UNITED STATE DISTRICT C SOUTHERN DISTRICT OF N		X
EVELYN A. JANKOUSKY,	·	A
	Plaintiff,	Index No.: 08 CV-01858(PAC)
-against- NORTH FORK BANCORPOR CAPITAL ONE, FINANCIAL ONE, NATIONAL ASSOCIAT NORTH FORK BANK,,	CORP, CAPITAL	NOTICE OF MOTION TO DISMISS COMPLAINT
	Defendants.	X
SIRS:		

PLEASE TAKE NOTICE, that upon the annexed affidavit of Nancy Elia of May 27, 2008, the affirmation of Eric J. Bressler dated May 27, 2008, the amended complaint, and all of the prior proceedings herein the undersigned will move this Court pursuant to Federal Rules of Civil Procedures 12(b)(6) for an order dismissing the complaint on the grounds that the complaint fail to state a cause of action and for such other and further relief as is just and proper.

Please take further notice that pursuant to the briefing schedule, answering papers must be served on or before June 16, 2008.

Dated: Melville, New York May 27, 2008

Yours, etc.,

WICKHAM, BRESSLER, GORDON & GEASA, P.C.

By: /s/
Eric J. Bressler, Esq. (EB3412)
Attorneys for Defendant
275 Broad Hollow Road- Suite 111
Melville, New York 11747
(631) 249-9480
ebressler@wbgglaw.com
wwblaw@aol.com

TO: Karen Cacace (KC 3184)
Maia Goodel (MG 8905)
Vladeck, Waldman, Elias & Engelhard, P.C.
Attorneys for Plaintiff
1501 Broadway, Suite 800
New York, NY 10036
(212) 403-7300

	DISTRICT COURT FRICT OF NEW YORK	X
EVELYN A. JAN	KOUSKY,	·
	Plaintiff,	Index No.: 08 CV-01858(PAC)
CAPITAL ONE, I	-against- ANCORPORATION INC., FINANCIAL CORP, CAPITA L ASSOCIATION, and ANK, ,	NOTICE OF MOTION TO <u>DISMISS COMPLAINT</u> L
	Defendant	s. X
SIRS.		

PLEASE TAKE NOTICE, that upon the annexed affidavit of Nancy Elia of May 27, 2008, the affirmation of Eric J. Bressler dated May 27, 2008, the amended complaint, and all of the prior proceedings herein the undersigned will move this Court pursuant to Federal Rules of Civil Procedures 12(b)(6) for an order dismissing the complaint on the grounds that the complaint fail to state a cause of action and for such other and further relief as is just and proper.

Please take further notice that pursuant to the briefing schedule, answering papers must be served on or before June 16, 2008.

Dated: Melville, New York May 27, 2008

Yours, etc.,

WICKHAM, BRESSLER, GORDON & GEASA, P.C.

By: /s/
Eric J. Bressler, Esq. (EB3412)
Attorneys for Defendant
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Melville, New York 11747
(631) 249-9480
ebressler@wbgglaw.com
wwblaw@aol.com

TO: Karen Cacace (KC 3184)
Maia Goodel (MG 8905)
Vladeck, Waldman, Elias & Engelhard, P.C.
Attorneys for Plaintiff
1501 Broadway, Suite 800
New York, NY 10036
(212) 403-7300

UNITED STATE DISTRICT SOUTHERN DISTRICT OF		v
EVELYN A. JANKOUSKY,		-X
	Plaintiff,	Index No.: 08 CV-01858(PAC)
-agains	st-	AFFIRMATION IN SUPPORT OF MOTION TO
NORTH FORK BANCORPO CAPITAL ONE, FINANCIA ONE, NATIONAL ASSOCIA NORTH FORK BANK, ,	L CORP, CAPITAL	DISMISS COMPLAINT (FRCP 12(b)(6))
	Defendants.	-X
STATE OF NEW YORK)) ss.:	
COUNTY OF SUFFOLK		

- Eric J. Bressler, an attorney, duly licensed to practice before the Courts in the State of New York, hereby affirms under the penalties of perjury as follows:
- 1. I am a member of Wickham, Bressler, Gordon & Geasa, P.C., attorneys for Defendant, defendants and make this affirmation in support of the motion to dismiss the amended complaint pursuant to Federal Rules of Civil Procedures Rule 12(b)(6). I have knowledge of the facts stated herein.

PROCEDURAL HISTORY

- 2. Plaintiff commenced this action on February 25, 2008 by filing a complaint. The complaint named North Fork Bancorporation, Inc. and Capital One Financial Corp. (sic) as defendants. This Complaint purported to assert claims for gender discrimination under the applicable Federal, State and City statutes arising out of an employment relationship. In addition, claims under other state statutes and law were asserted.
- 3. On March 26, 2008, the then named defendants requested a pre-motion conference in anticipation of a motion to dismiss. A copy of the letter request is annexed hereto and incorporated

herein as Exhibit A. The gravamen of the proposed motion was that the named defendants had no employment relationship with plaintiff.

- 4. On March 31, 2008, plaintiff responded to the letter. A copy of the response is annexed hereto and incorporated herein as Exhibit B.
- 5. On April 14, 2008, a pre-motion conference was held at which time the identity of the proper defendant (plaintiff's employer), <u>assuming arguendo</u> a viable claim, was determined to be Capital One, N.A., not the named defendants.
- 6. On May 2, 2008, plaintiff amended her complaint, but instead of substituting the "correct" party merely added another two defendants Capital One, N.A. and North Fork Bank. A copy of the amended complaint is annexed hereto and incorporated herein as Exhibit C.
- 7. On May 19, 2008, we requested that plaintiff discontinue the action against the patently improper defendants. North Fork Bancorporation, Inc. and Capital One Financial Corporation. A copy of the demand letter is annexed hereto and incorporated as Exhibit D.
- 8. On May 20, 2008, we were advised that plaintiff refused to discontinue against the patently improper defendants unless we agreed to immediately conduct discovery. A copy of plaintiff's attorney letter is annexed hereto and incorporated herein as Exhibit E.
- 9. On May 19, 2008, the Court had determined that the pending motion to dismiss no discovery would be conducted. Docket entry # 6.
- 10. Defendants now move for judgment dismissing the complaint against all defendants. For the reasons set forth herein, and the accompanying affidavit of Nancy Elia and the accompanying memorandum of law, the motion should be granted.

FACTURAL BACKGROUND

- 11. Plaintiff was employed by North Fork Bank from June, 2001 to March, 2007. A copy of her pay stub is annexed to Exhibit B.
- 12. In August, 2007, after the termination of plaintiff's employment, North Fork Bank was merged into Capital One, N.A., as appears from the affidavit of Nancy Elia and the certificate of merger annexed thereto.
- 13. On June 13, 2007, plaintiff filed a charge against North Fork Bank with the United States Equal Employment Opportunity Commission ("EEOC") alleging gender discrimination. A copy of the complaint is annexed hereto and incorporated herein as Exhibit F.
- 14. On September 19, 2007, Capital One, N.A. as successor to North Fork Bank responded to the allegations in the complaint. A copy of the response is annexed hereto and incorporated herein as Exhibit G. Plaintiff's employment with North Fork Bank was admitted.
- 15. On December 5, 2007, the EEOC issued a right to sue letter with respect to the claim against North Fork Bank (then Capital One, NA). A copy of the right to sue letter is annexed hereto and incorporated herein as Exhibit H.
- 16. No action against Capital One, NA was commenced within 90 days of the receipt of the right to sue letter. The claim against Capital One, NA was first asserted on May 2, 2008 in the amended complaint.
- 17. No charge was ever filed with the EEOC with respect to North Fork Bancorporation, Inc. or Capital One Financial Corporation.
- 18. The New York State Banking Department website reflects the fact that Capital One, NA is the successor by merger to North Fork Bank. North Fork Bank merged with Capital One, NA

effective August 1, 2007. A copy of the New York State Banking Department web page reflecting same is annexed hereto and incorporated herein as Exhibit I.

19. The New York State Banking Department website reflects the fact that Capital One Financial Corporation is the successor by merger to North Fork Bancorporation, Inc. A copy of the New York State Banking Department webpage reflecting same is annexed hereto and incorporated as Exhibit J.

BASIS FOR RELIEF

- 20. The motion to dismiss should be granted for six reasons. The factual and legal basis for each reason is set forth below.
- 21. First, as to defendant North Fork Bancorporation, Inc. it is no longer in existence and has not been since December 1, 2006. Thus, no claim lies against it.
- 22. Second, as to defendants North Fork Bancorporation, Inc. and Capital One Financial Corporation there was no legal relationship which would support any of the claims asserted in the Complaint. Indeed, the complaint is devoid of any allegation which links plaintiff to either of these two defendants. Plaintiff was employed by North Fork Bank as alleged before the EEOC and reflected in her pay stub.
- 23. Third, as to defendants North Fork Bancorporation, Inc. and Capital One Financial Corporation claim for discrimination under 42 U.S.C. 2000e will lie since the condition precedent of a filing with the EEOC was not met.
- 24. Fourth, as to defendant North Fork Bank it is no longer in existence and has not been since August 1, 2007. Thus, no claim lies against it.

- 25. Fifth, as to defendant North Fork Bank and Capital One, NA no claim for discrimination under 42 U.S.C. 2000e will lie since the action against them was not commenced within 90 days of the right to sue letter.
- 26. Sixth, since all claims other than the claim under 42 U.S.C. 2000e are under State or Local law, there is no longer a basis for the assertion of federal questions jurisdiction.
- 27. The complaint as against defendant North Fork Bancorporation, Inc., Capital One Financial Corporation and North Fork Bank should be dismissed in its entirety. The complaint as against defendant Capital One, N.A. should be dismissed as the claim under 42 U.S.C. 2000e. The remaining claims against Capital One, N.A. are not supported by federal questions jurisdiction.

CONCLUSION

WHEREFORE, it is respectfully requested that the motion to dismiss be granted in its entirety.

Dated: Melville, New York May 27, 2008

Eric J. Bressler

Jankousky v. NFB et al Index No.: 08-CV-1858(PAC)

AFFIRMATION

EXHIBIT A 3/26/08 LETTER

LAW OFFICES

WICKHAM, BRESSLER, GORDON & GEASA, P.C.
13015 MAIN ROAD, P.O. BOX 1424
MATTITUCK, LONG ISLAND

NEW YORK 11952

ERIC J. BRESSLER ABIGAIL A. WICKHAM LYNNE M. GORDON JANET GEASA

631-298-8353 TELEFAX NO. 631-298-8565 wwblaw@aol.com ebressler@wbgglaw.com WILLIAM WICKHAM (06-02)

MELVILLE OFFICE 275 BROAD HOLLOW ROAD SUITE III MELVILLE, NEW YORK 11747

631-249-9480 TELEFAX NO. 631-249-9484

March 26, 2008

Via Email CrottyNYSDChambers@nysd.uscourts.gov

Honorable Paul A. Crotty United States District Judge United States District Court Southern District of New York 500 Pearl Street, Chambers 735 Courtroom 20-C New York, New York 10007

RE: Jankousky v. North Fork Bancorporation, Inc. et al.

Index No.: 08-CV-1858(PAC)

Dear Judge Crotty:

We are the attorneys for defendants and write pursuant to Individual Practices Rules 1(A) and Rules 3(A)(B)(D) to request a pre-motion conference as a condition precedent to a motion to dismiss the complaint pursuant to Federal Rules of Civil Procedure 12(b). The basis for this request and proposed motion to dismiss is set forth below.

NATURE OF THE ACTION

Plaintiff has asserted a claim under 42 USC §2000(e) seeking damages for discrimination based upon sex and retaliation in invoking the jurisdiction of this Court. Plaintiff has also asserted similar claims under the New York State Human Rights Law and the Administrative Code of the City of New York as well as claims under the New York State Labor Law and for breach of contract, promissory estoppel, unjust enrichment, and quantum meruit, invoking in each case the supplemental jurisdiction of this court.

THE PARTIES

Capital One Financial Corporation is a Delaware Corporation with principal offices in Virginia. North Fork Bancorporation, Inc. does not exist and has not existed since December, 2006. It was a Delaware Corporation. Neither of the named defendants is or was in the business of banking. Plaintiff claims to have been employed by North Fork Bancorporation, Inc. as the manager of a bank branch from 2001 to 2007. In fact, plaintiff was never so employed.

THE ADMINISTRATIVE PROCEEDING

Plaintiff filed a charge with the United States Equal Employment Opportunity Commission ("EEOC") in May, 2007 against North Fork Bank complaining of discrimination based upon sex and retaliation. In December, 2007 the EEOC issued a right to sue letter with respect to the complaint. The Respondent in the EEOC proceeding is not a defendant in this action and more than 90 days have passed since the issuance of the right to sue letter.

BASIS FOR THE MOTION TO DISMISS

There are two bases for the motion to dismiss. First, pursuant to 42USC §2000(e), it is condition precedent to a Title VII action that a charge of discrimination be filed with the EEOC and that a right to sue letter be obtained. In this case no such charge was filed against defendants and no right to sue letter issued with respect to defendants. Second, pursuant to 42 USC §2000(e), it is a condition precedent to a Title VII action that upon obtaining a right to sue letter, an action be commenced within 90 days thereof. No such action with respect to the Respondent in the EEOC proceeding was commenced within 90 days.

Based upon the foregoing, there is a documented and undisputed failure to meet the prerequisites for a Title VII action. Since the Title VII claims are not viable, the supplemental state claims are not viable. Accordingly, dismissal is warranted.

Thank you for your consideration of this request for a pre-motion conference.

Very truly yofurs,

ERIC J.BRESSLER

EJB/rc

Karen Cacace (via facsimile 212-221-3172) Maia Goodel (via facsimile 212-221-3172) Vladeck, Waldman, Elias & Engelhard, P.C. Attorneys for Plaintiff

Jankousky v. NFB et al Index No.: 08-CV-1858(PAC)

AFFIRMATION

EXHIBIT B 3/31/08 LETTER

Vladeck, Waldman, Elias & Engelhard, P.C.

COUNSELORS AT LAW
1501 BROADWAY
NEW YORK, N.Y. 10036
TEL 212/403-7300
FAX 212/221-3172

KAREN CACACE



WRITER'S DIRECT DIAL

March 31, 2008

BY E-MAIL

The Honorable Paul A. Crotty United States District Court Southern District of New York Chambers 735 500 Pearl Street, Courtroom 20-C New York, NY 10007

Re:

Evelyn Jankousky v. North Fork Bancorporation Inc. d/b/a North Fork Bank, and Capital One, Financial Corp. Case No. 08 CV 01858

Dear Judge Crotty:

We represent plaintiff Evelyn Jankousky ("Jankousky" or "plaintiff") in the above-referenced matter, and we submit the following response to the March 26, 2008 letter of defendants North Fork Bancorporation Inc. and Capital One Financial Corp. ("Capital One") (collectively "defendants"), which set forth their request to file a motion to dismiss.

Defendants' proposed motion is meritless. Jankousky submitted a charge of discrimination with the United States Equal Employment Opportunity Commission (the "EEOC") on or about May 22, 2007, against North Fork Bank, which is listed as Jankousky's employer on her pay stubs and forms W-2. (Exhibit 1) Mr. Bressler answered that charge on behalf of "North Fork Bank, a division of Capital One, N.A." (Exhibit 2) The response to the charge specifically admitted that "[c]omplainant was, in fact, employed at [North Fork Bank, a division of Capital One, N.A.] for approximately 5 ½ years since 2001 . . . and was terminated from employment on March 12, 2007." (Exhibit 2 ¶ 2) Plaintiff received a right to sue letter from the EEOC on December 5, 2007, and filed the instant suit on February 25, 2008, 82 days later.

EEOC Charge

Defendants' apparent argument is that because the EEOC charge named "North Fork Bank" instead of the corporate entity that runs that bank, the pre-requisites to suit under

Honorable Paul A. Crotty March 31, 2008 Page 2

Title VII have not been met. This argument fails. Not only did the Charge list the entity on Jankousky's pay documents; the employer actually appeared, responded to the EEOC Charge, and participated in preliminary EEOC mediation efforts through Mr. Bressler. There is no question that it has an "identity of interest" with the party named in the EEOC Charge. Therefore, plaintiff has satisfied the exhaustion requirement. See Katz v. City of New York Dep't of Transp., No. 94 Civ. 8319, 1996 WL 599668, at *7 (S.D.N.Y. Oct.17, 1996) (naming Department of Transportation in EEOC charge, which was not a suitable entity to sue, was sufficient to provide notice to the City of New York); Minetos v. City Univ. Of N.Y., 875 F.Supp. 1046, 1052 (S.D.N.Y.1995) (identity of interest between named Hunter College and unnamed City University of New York ("CUNY"), where CUNY's legal counsel represented Hunter College at the agency proceeding).

Moreover, the employer did not argue that Jankousky's Charge was defective at the time, when the Charge could have been corrected within the limitations period, and is therefore equitably estopped from making any claim of defect. See Francis v. City of New York, 235 F.3d 763 (2d. Cir. 2000) (failure to timely raise exhaustion arguments resulted in waiver).

Appropriate Defendants

Defendants do not mention any distinction between Capital One N.A. and Captial One Financial Corp. in their March 26 letter. Captial One, N.A. is apparently a wholly owned subsidiary of Capital One Financial Corp. Because SEC filings indicated that Capital One Financial Corp. acquired North Fork Bank in 2007, plaintiff named Capital One Financial Corp. as a defendant. If the appropriate defendant is actually Captial One, N.A., instead of or in addition to Capital One Financial Corporation, plaintiff can amend the complaint to so reflect. Because Mr. Bressler represented Capital One N.A. at the EEOC and now represents Captial One Financial Corp., both entities have full notice of these claims and there can be no prejudice to such a procedure. See Garg v. Winterthur, 525 F.Supp.2d 315, 317 (E.D.N.Y. 2007) (granting leave to amend complaint and summons to correct incorrectly named entity). Such amendment would relate back to the original complaint for purposes of computing timeliness. Fed. R. Civ. P. 15(c)(3).

Defendants also apparently argue that North Fork Bancorporation, Inc. is no longer a legal entity amenable to suit. North Fork Bancorporation, Inc., however, is registered currently with the New York Secretary of State as an active foreign corporation. (Exhibit 3) If defendants wish to provide documentary evidence demonstrating that North Fork Bancorporation, Inc. no longer exists and is not amenable to suit, plaintiff will seek leave to amend the complaint. If that is the case, Capital One is then without question liable as the successor of North Fork Bancorporation. See Fennell v. TLB Plastics Corp., No. 84 CIV 8775, 1989 WL 88717 at *2-3 (S.D.N.Y. July 28, 1989) (finding successor liability in race

EXHIBIT 1

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Centrol number	Dept.	Corp.	Employer use unly

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Creptoyer's norms, address, and ZIP code
NORTH FORK BANK
275 BROADHOLLOW ROAD
MELVILLE NY 11747

Betch #02438

Employee's name, address, and ZIP code EVELYN A JANKOUSKY

,
a Employee's B#A number
2 Federal Income fox withhold
4 Social accurry fex withheld
6 Medicare tex withhold
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18 Local wages, the, etc.
20 Locality name NYC RES

2007 W-2 and EARNINGS SUMMARY

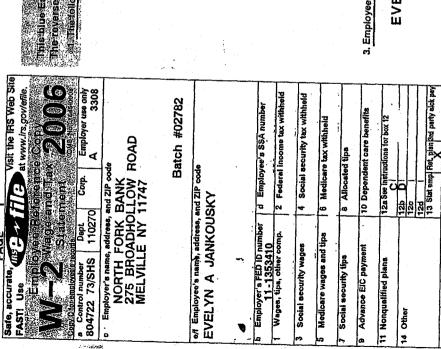
This blue Earnings Summary section is included with your W-2 to help describe portions in more defail. The reverse side includes deheral information that you may also find helpfut.

1. The following information resistor your final 2007 pay a rule plus any adjustments submitted by your employer.

3. Employee W-4 Profile. To phange your Employee W-4 Profile Information, file a new W-4 with your payroli dept.

EVELYN A JANKOUSKY

0 2007 ADP, INC. . - Fold And Dolach Ham 🖰



2006 W-2 and EARNINGS SUMMARY

mings Summany section is included with your W.210 help describe portions in more detail acudes general information that you may also find helpful CONTINUED ON NEXT PAGE. 3. Employee W.4 Profile. To change your Employee W.4 Profile Information, file a new W.4 with your payroll dept.

EVELYN A JANKOUSKY

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O 2005 AUTOMATIC DATA PROCESSING, INC.

15 State Employer's state ID no. 16 State wages, tips, etc. NY 11-1353410

18 Local Wages, tips, etc. 20 Locality name NYC RES

19 Local Income tax 17 State Income tax

EXHIBIT 2

LAW OFFICES

WICKHAM, BRESSLER, GORDON & GEASA, P.C.

13015 MAIN ROAD, P.O. BOX 1424 MATTITUCK, LONG ISLAND **NEW YORK 11952**

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631-298-8353 TELEFAX NO. 631-298-8565 wwblaw@aol.com

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631-249-9480 TELEFAX NO. 631-249-9484



September 19, 2007

Via Federal Express Delivery

John Douglass U.S. Equal Employment Opportunity Commission New York District Office 33 Whitehall Street, 5th Floor New York, New York 10004-2112

RE: Evelyn Jankousky v. North Fork Bank EEOC Charge No. 520-2007-02866

Bank, a division of Capital One, N.A., in connection with the above-captioned matter.

Very truly yours,

ERICA. BRESSLER

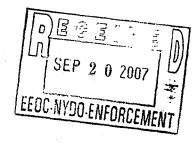
Enclosure

EJB/frd

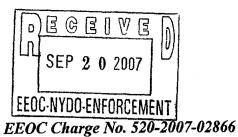
cc: Linda Migliorisi North Fork Bank

Dear Mr. Douglass:

Enclosed herein please find Answer and Position Statement of Respondent, North Fork



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	-	,	
In the Matter of the Complaint of	- 	ı	EEOC
EVELYN IANKOUSKY.		1,00	EEOC



Complainant,

- against -

ANSWER AND POSITION STATEMENT

NORTH FORK BANK,

Respo	ondent.
4.5	X

NORTH FORK BANK, a division of Capital One, N.A. ("NFB"), by its attorneys, Wickham, Bressler, Gordon & Geasa, P.C., as and for its Answer and Position Statement with respect to the Complaint, respectfully alleges:

- 1. At the outset, NFB denies any and all allegations of discrimination and retaliation based upon gender or any other prohibited basis. As will be seen below, it was solely as a result of Complainant's non-performance that she was first disciplined and later terminated from employment.
- 2. One of the few areas of the Complaint, which is factual, concerns
 Complainant's initial employment with NFB. Complainant was, in fact, employed at
 NFB for approximately 5½ years since 2001, was the Branch Manager of NFB's Fifth
 Avenue branch for approximately three years, and was terminated from employment on
 March 12, 2007. NFB is not aware of her claimed educational background or her
 claimed work experience for twenty-five years in the finance industry. Complainant is a
 female.

Based upon the forgoing, the Complaint should be denied. 17.

WHEREFORE, it is respectfully requested that the Complaint be dismissed.

Dated: Melville, New York September 19, 2007

WICKHAM, BRESSLER, GORDON & GEASA, P.C.

By:

Yours, etc.,

Eric J. Bress

Attorneys for Respondent 275 Broad Hollow Road - Suite 111 Melville, New York 11747

(631) 249-9480

John Douglass TO:

U.S. Equal Employment Opportunity Commission

New York District Office 33 Whitehall Street, 5th Floor New York, New York 10004-2112 (212) 336-3620

EXHIBIT 3

NYS Department of State

Division of Corporations

Entity Information

Selected Entity Name: NORTH FORK BANCORPORATION, INC.

Selected Entity Status Information

Current Entity Name: NORTH FORK BANCORPORATION, INC.

Initial DOS Filing Date: JUNE 23, 1981

County:

SUFFOLK

Jurisdiction:

DELAWARE

Entity Type:

FOREIGN BUSINESS CORPORATION

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

JEFFREY STARR C/O NORTH FORK BANK 275 BROADHOLLOW RD MELVILLE, NEW YORK, 11747

Chairman or Chief Executive Officer

JOHN ADAM KANAS C/O NORTH FORK BANK 275 BROADHOLLOW RD MELVILLE, NEW YORK, 11747

Principal Executive Office

JOHN ADAM KANAS C/O NORTH FORK BANK 275 BROADHOLLOW RD MELVILLE, NEW YORK, 11747

Registered Agent

NONE

NOTE: New York State does not issue organizational identification numbers.

Search Results

New Search

<u>Division of Corporations, State Records and UCC Home Page</u> <u>NYS Department of State Home Page</u>

Eric J. Bressler

From: "Maia Goodell" <mgoodell@Vladeck.com> **To:** <CrottyNYSDChambers@nysd.uscourts.gov>

Cc: "Eric J. Bressler" <ebressler@wbgglaw.com>, "Karen Cacace" <kcacace@Vladeck.com>

Sent: Monday, March 31, 2008 12:59 PM

Attach: imanage 250905 1.PDF

Subject: RE: Evelyn A. Jankousky v. North Fork Bancorporation Inc. et al. - 08-Civ.-1858(PAC) - Defendant's Request For

Pre-Motion Conference

Maia Goodell

Vladeck, Waldman, Elias & Engelhard, P.C.

1501 Broadway, Suite 800

New York, New York 10036-5560

Telephone: (212) 403-7357

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Jankousky v. NFB et al Index No.: 08-CV-1858(PAC)

AFFIRMATION

EXHIBIT C
AMENDED COMPLAINT

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ATTORNEY GENERAL MANAGING ATTNY'S CFC RECEIVED

2009 MAY -5 AM II: 52

EVELYN A. JANKOUSKY,

Plaintiff,

- against -

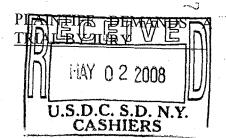
NORTH FORK BANCORPORATION INC., CAPITAL ONE, FINANCIAL CORP., CAPITAL ONE, NATIONAL ASSOCIATION, and NORTH FORK BANK,

Defendants.

ECF CASE

Case No. 08 Civ. 01858 (PAC)

AMENDED COMPLAINT



Plaintiff Evelyn A. Jankousky ("plaintiff" or "Jankousky"), by her attorneys, Vladeck, Waldman, Elias & Engelhard, P.C., complains of defendants North Fork Bancorporation Inc., Capital One Financial Corp., Capital One, National Association, and North Fork Bank (collectively "North Fork," "defendants," or "Bank") as follows:

NATURE OF THIS ACTION

- 1. Plaintiff brings this action to remedy sex discrimination and retaliation for her opposition to unlawful employment actions in violation of Title VII of the Civil Right Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"); the New York State Human Rights Law, Human Rights Law § 296 et seq. (the "Human Rights Law"); and the Administrative Code of the City of New York § 8-101 et seq. (the "City Law").
- 2. Plaintiff also brings this action to remedy unlawful reduction of her wages and retaliation for her opposition to unlawful employment actions, in violation of New York Labor Law § 190 et seq. ("Labor Law").

- 3. Plaintiff also asserts claims for breach of contract, promissory estoppel, unjust enrichment, and quantum meruit.
- 4. Plaintiff seeks injunctive and declaratory relief, compensatory and punitive damages, and other appropriate legal and equitable relief.

JURISDICTION AND VENUE

- 5. This Court has jurisdiction over plaintiff's Title VII claims pursuant to 28 U.S.C. §§ 1331 and § 706(f)(3) of Title VII, 42 U.S.C. § 2000e § 5(f)(3). Pursuant to 28 U.S.C. § 1367, the Court has supplemental jurisdiction over plaintiff's Human Rights Law, City Law, Labor Law, contract, promissory estoppel, and quantum meruit claims.
- 6. Plaintiff filed a charge of discrimination with the United States Equal Employment Opportunity Commission (the "EEOC") on or about May 22, 2007, complaining of the acts of sex discrimination and retaliation for opposition to sex discrimination alleged herein. On or about December 5, 2007, the EEOC issued plaintiff a notice informing her of her right to sue defendant in federal court. Plaintiff has complied fully with all prerequisites required by Title VII.
- 7. Pursuant to § 8-502(c) of the City Law, prior to filing this Amended Complaint, plaintiff served a copy of this complaint on the City of New York Commission on Human Rights and the Corporation Counsel of the City of New York.
- 8. Pursuant to § 215 of the Labor Law, prior to filing this Amended Complaint, plaintiff served this complaint on the Attorney General for the State of New York.
- 9. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because the unlawful practices complained of occurred within the Southern District of New York, defendants regularly do business within the Southern District of New York, and plaintiff is a resident of the Southern District of New York.

PARTIES

- 10. On information and belief, North Fork Bancorporation Inc. is a Delaware corporation with its principal executive office at 275 Broadhallow Road, Melville, New York 11747. On information and belief, North Fork Bank was a principal, wholly owned subsidiary of North Fork Bancorporation Inc.
- 11. On information and belief, Capital One, Financial Corp. is a Delaware corporation with its principal place of business at 1680 Capital One Drive, Suite 1400, Mclean, VA 22102.
- 12. On information and belief, Capital One, National Association is a Louisiana association with its principal place of business at 313 Carondelet Street, New Orleans, LA 70130. On information and belief, Capital One, National Association is a principal, wholly owned subsidiary of Capital One, Financial Corp.
- 13. On information and belief, North Fork Bancorporation Inc., Capital One, Financial Corp., Capital One, National Association and North Fork Bank are employers within the meaning of Title VII, the Human Rights Law and the City Law.
- 14. Jankousky is a woman who was employed as a branch manager at the entity doing business as North Fork Bank from 2001 until she was fired on March 12, 2007.
- 15. On information and belief, Capital One Financial Corp. and/or Capital One, National Association acquired North Fork Bancorporation, Inc., including North Fork Bank, in December 2006.

FACTS

Jankousky's 25-Year Unblemished Career

- 16. Jankousky holds a Masters Degree in Business Administration in finance and international business from New York University, received in 1991. She has worked in the finance industry for twenty-five years.
- 17. Jankousky began working at North Fork in 2001. She was Branch Manager of the Fifth Avenue Branch for about three years, until her employment was terminated on March 12, 2007.
- 18. While at North Fork, Jankousky achieved results that demonstrably exceeded those of many of her male peers. In two and a half years, she increased the deposits of the branch from approximately 250 to 400 million dollars. In 2006, she had less than \$11,000 in losses and earned several million dollars in net income for the bank. Her branch received a 98% approval rating from the bank's "mystery shopper" rating program.
- 19. As branch manager, Jankousky's job was primarily to bring in business and to expand and build relationships with customers in order to retain and increase the branch's profitable deposits; she also oversaw branch operations through two assistant managers.
- 20. Jankousky had authority to approve wire transfer request forms filled out by her subordinates. Jankousky's branch processed approximately 400 such forms each month, among the highest volume within the branch system. There was never a loss that resulted from any wire transfer that she approved.
- 21. Prior to 2006, Jankousky had received uniformly positive evaluations throughout her employment at the Bank, and had never been given an oral or written performance warning.

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New Supervisor Paul Santamaria

- 22. In early 2006, Jankousky's supervisor, who was a woman, was transferred. A man, Paul Santamaria ("Santamaria"), replaced the supervisor. Jankousky was one of three women out of thirteen branch managers reporting to Santamaria.
- 23. Santamaria was in turn supervised by Joe Roberto ("Roberto"). Jankousky was one of 7 women out of 44 branch managers who reported indirectly to Roberto.
- 24. The Fifth Avenue branch was one of North Fork's largest branches, in the top 10-15 of 350 branches. Jankousky was the only woman to manage a branch of comparable size.
- 25. From early in his supervision of Jankousky, Santamaria spoke to her in a derogatory and unprofessional tone, and other women told Jankousky that he spoke to them similarly. Jankousky has never observed him speak with a man in the same manner.
- 26. In May 2006, Roberto and Santamaria met with Jankousky. Santamaria stated that he wanted to "go over some things," and Jankousky understood that he was reviewing procedures as a routine part of his taking over as her supervisor. Roberto stated that he was sitting in because he was in the city for other meetings. At the time, neither Roberto nor Santamaria claimed that this discussion was performance counseling of any kind, nor did they state that Jankousky's job was in jeopardy. Jankousky was not shown anything in writing.
- 27. At that meeting, Santamaria raised questions about the way in which forms that the Fifth Avenue branch had submitted were filled out. For example, he criticized Jankousky for a minor error in the way one wire transfer form that she approved was completed, which did not affect the substance of the information on it and did not result in any loss.

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- 28. The errors that Santamaria criticized Jankousky for did not place the bank at risk of loss. Moreover, on information and belief, they were less significant than errors made by male branch managers who were not criticized or disciplined.
- 29. On several subsequent occasions, Santamaria admonished Jankousky for approving forms that contained minor errors. For example, he berated her for signing an internal quarterly review form on which an assistant manager had printed, but not signed, her name next to various line items. In Jankousky's banking experience, no other supervisor has ever suggested that such matters indicate a problem with her performance as a manager.
- 30. In addition, Santamaria questioned Jankousky's business judgment in refunding fees to certain clients and admonished her for issuing such refunds. She had issued these refunds to retain accounts against competitors who offered accounts without such fees. She always issued such refunds in accordance with the bank's written policy.
- 31. In the five years prior to Santamaria's assignment as Jankousky's supervisor, no other supervisor had questioned the refunds that Jankousky issued.
- 32. Jankousky nevertheless complied with Santamaria's criticism and she curtailed issuing such refunds.
- 33. Similarly, on subsequent occasions Santamaria denied Jankousky's requests to pay competitive interest rates to important clients.
- 34. As a result of the higher fees and lower interest, the branch lost several important clients.

November 2006 Illegal Reduction of Jankousky's Compensation

- 35. Jankousky's compensation at North Fork consisted of a base salary and a bonus. The bonus was governed by North Fork's 2006 Retail Bank Incentive Programs ("Contract"), dated January 31, 2006, attached as Exhibit A.
- 36. Under the Contract, Jankousky and the Bank agreed that, in consideration for her work at the Bank, Jankousky would receive bonus pay calculated based on the dollar growth of the accounts at her branch.
- 37. The Contract provided: "As of December 31, 2006, the results will be calculated and the appropriate incentive will be earned." (Ex. A at 9, ¶ 2; emphasis added)
- 39. Jankousky received statements each month detailing this growth and the resulting bonus pool ("Monthly Statements"). She received such a statement in November 2006 reflecting a bonus pool for her branch of \$238,974. (Ex. B)
- 40. Jankousky relied on the promises in the Contract and in the Monthly Statements by refraining from pursuing other job opportunities and by performing all of her job duties.
- 41. For example, another bank expressed an interest in hiring Jankousky, but she did not pursue the opportunity because the compensation would be less than the promised compensation at North Fork.

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- 42. In late November 2006, however, Santamaria informed Jankousky that the bank was cutting her bonus by over 65%. He gave her a revised November 2006 statement reflecting a bonus pool of \$82,399. (Ex. C)
- 43. On information and belief, no adjustments were made to the bonus pool of any other branch in 2006.
- 44. Jankousky asked Roberto for a meeting to appeal Santamaria's action. On approximately December 4, 2006, Jankousky met with Roberto. To her surprise, Santamaria was also present.
- 45. Santamaria and Roberto told Jankousky that it was "not in the spirit of incentive compensation" for her to receive the full promised compensation. They said that they believed the growth was because of a client's compliance with banking regulations and not because of Jankousky's work. They invoked no provision of the Contract to justify this alleged "banking regulations" exception.
- 46. Jankousky complained about the reduction of her bonus, and stated that she had earned the money.
- 47. Nevertheless, in an attempt to resolve the problem without resort to litigation, Jankousky also explained that she had a good relationship with the client, that the client had increased its deposits because of her work, and that the client had kept its business at North Fork even though it had been pursued by other banks.
- 48. Santamaria said that Jankousky had "no credibility" with him and that he had "no way of knowing" whether her explanation was true. He refused to take any steps to verify her statements independently, though she gave him several suggestions for doing so.

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49. On information and belief, neither Santamaria nor Roberto has ever cut the bonus of any male branch manager.

Santamaria Retaliates for Jankousky's Assertion of Her Labor Law Rights and Makes a Bad Faith Attempt to Deprive Jankousky of Her Bonus

- About two weeks after Jankousky's assertion that the Bank was illegally 50. reducing her wages in violation of the Labor Law, on December 18, 2006, Santamaria gave her an "annual" performance review.
- 51. Jankousky had completed a self-evaluation of number ratings. Santamaria agreed with her numbers and asked her to sign, which she did.
- 52. Santamaria then showed Jankousky a narrative portion of the "evaluation" which he had previously kept hidden from her view, which was highly critical of her performance. He stated that she was a "total failure" as a branch manager.
- 53. Santamaria did not let Jankousky fully read or have a copy of the evaluation. When she told him that she had always received positive reviews and pointed out the measurable success of her branch, he said, "You got lucky; I'm watching you now."
- 54. Santamaria's criticisms increased in late December 2006 and early January 2007, sometimes reaching several times a day. Most of the alleged issues for which he criticized her resulted in no loss to the bank, and any losses were far smaller than losses suffered by other branch managers.
- 55. In early January 2007, Santamaria informed Jankousky that he was placing her on "final warning." Though he dubbed it "final," this was the first time Jankousky had been told she was being given a performance warning.

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- 56. Santamaria showed Jankousky a list of false or minor quibbles with Jankousky's performance which he asked her to sign, but refused to give her a copy.
- 57. Santamaria expressly stated that Jankousky would be paid no bonus during a probation period that he said would run through April 9, 2007.
- 58. On information and belief, Santamaria created the unfounded "final warning" in response to Jankousky's assertion of her rights, because she was a woman, and in bad faith to deprive Jankousky of the benefits of the Contract.
- 59. On February 8, 2007, Jankousky's lawyers wrote to the bank in an attempt to resolve these issues. (Ex. D) The letter stated that the bank had violated the New York Labor Law and had discriminated against Jankousky on the basis of sex.
- 60. On March 12, 2007, less than five weeks after the letter from Jankousky's lawyers and before the alleged probation period had run, the bank fired Jankousky.
 - 61. North Fork replaced Jankousky with a man.
- 62. Although Jankousky had earned the promised bonus as of December 31, 2006, and was employed on the date bonuses were paid, the bank failed to pay Jankousky any bonus compensation for 2006.
- 63. The Bank's discretion under the Contract, if any, was exercised in bad faith for the purpose of depriving Jankousky of the benefits of the Contract, namely the bonus compensation she had earned for her work.
- 64. The fair market value of Jankousky's work for the bank in 2006 was commensurate with the pay she would have received if she had been given her full bonus.
- 65. On information and belief, no other branch manager who reported indirectly to Roberto complained of violations of the New York Labor Law or of sex

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discrimination between January 2006 and March 2007. On information and belief, no other branch manager had his or her 2006 bonus cut or withheld.

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66. On information and belief, the Bank did not fire, cut or eliminate the bonus of, or substantially discipline any of several of Jankousky's peers who committed errors that were similar to or more serious than those alleged for Jankousky, and resulted in losses to the Bank.

FIRST CAUSE OF ACTION Sex Discrimination Under Title VII

- 67. Plaintiff repeats and realleges ¶¶ 1-66 above.
- 68. Defendants have discriminated against Jankousky in the terms and conditions of her employment on the basis of her sex in violation of Title VII.
- 69. Defendants knew that their actions constituted unlawful discrimination on the basis of sex and/or acted with reckless indifference to Jankousky's statutorily protected rights.
- 70. As a result of defendants' discriminatory acts, Jankousky has suffered, is suffering, and will continue to suffer irreparable injury, monetary damage, mental anguish, emotional distress, humiliation and other compensable damage unless and until this Court grants relief.

SECOND CAUSE OF ACTION Retaliation Under Title VII

- 71. Plaintiff repeats and realleges \P 1-70 above.
- 72. By the acts and practices described above, defendants have retaliated against plaintiff for her opposition to unlawful employment practices in violation of Title VII.

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- Defendants knew that their actions constituted unlawful retaliation and/or 73. acted with reckless indifference to plaintiff's statutorily protected rights.
- 74. As a result of defendants' retaliatory acts, plaintiff has suffered, is suffering, and will continue to suffer irreparable injury, monetary damage, mental anguish, emotional distress, humiliation and other compensable damage unless and until this Court grants relief.

THIRD CAUSE OF ACTION Sex Discrimination Under the Human Rights Law

- 75. Plaintiff repeats and realleges ¶¶ 1-74 above.
- By the acts and practices described above, defendants have discriminated 76. against Jankousky in the terms and conditions of her employment based on her sex in violation of the Human Rights Law.
- 77. As a result of defendants' discriminatory acts, Jankousky has suffered and will continue to suffer irreparable injury, monetary damage, mental anguish, emotional distress. humiliation and other compensable damages.

FOURTH CAUSE OF ACTION Retaliation Under the Human Rights Law

- 78. Plaintiff repeats and realleges ¶¶ 1-77 above.
- 79. By the acts and practices described above, defendants haves retaliated against plaintiff in violation of the Human Rights Law.
- 80. As a result of defendants' retaliatory acts, plaintiff has suffered and will continue to suffer irreparable injury, monetary damage, mental anguish, emotional distress, humiliation and other compensable damages.

FIFTH CAUSE OF ACTION Sex Discrimination Under the City Law

- 81. Plaintiff repeats and realleges ¶¶ 1-80 above.
- 82. By the acts and practices described above, defendants have discriminated against plaintiff in the terms and conditions of her employment on the basis of sex in violation of the City Law.
- 83. Defendants knew that their actions constituted unlawful discrimination on the basis of sex and/or showed reckless disregard for plaintiff's statutorily protected rights.
- 84. Plaintiff is now suffering irreparable injury and monetary damages as a result of defendants' discriminatory conduct, and will continue to do so unless and until the Court grants relief.

SIXTH CAUSE OF ACTION Retaliation Under the City Law

- 85. Plaintiff repeats and realleges \P 1-84 above.
- 86. By the acts and practices described above, defendants have retaliated against plaintiff for her opposition to unlawful employment practices in violation of the City Law.
- 87. Defendants knew that their actions constituted unlawful retaliation and/or showed reckless disregard for plaintiff's statutorily protected rights.
- 88. Plaintiff is now suffering irreparable injury and monetary damages as a result of defendants' discriminatory conduct, and will continue to do so unless and until the Court grants relief.

SEVENTH CAUSE OF ACTION Breach Of Contract

- 89. Plaintiff repeats and realleges ¶¶ 1-88 above.
- 90. The Bank violated the Contract, and/or its implied covenant of good faith and fair dealing, as set forth above, by failing to pay Jankousky her full 2006 bonus.
 - 91. Plaintiff has suffered damages and injury as a result of the Bank's breach.

EIGHTH CAUSE OF ACTION (in the alternative) Promissory Estoppel

- 92. Plaintiff repeats and realleges ¶ 1-91 above.
- 93. Defendants made a clear and definite promise to pay plaintiff a 2006 bonus as alleged above.
- 94. Plaintiff reasonably relied on defendants' promise to pay her a bonus as alleged above.
 - 95. Plaintiff was not paid the 2006 bonus.
- 96. Defendants' failure to fulfill their promise has damaged plaintiff as described above.

NINTH CAUSE OF ACTION (in the alternative) Quantum Meruit

- 97. Plaintiff repeats and realleges ¶¶ 1-96 above.
- 98. For 2006, claimant rendered work, services, and labor to defendants by performing her duties as described above.
- 99. Defendants accepted, profited, and benefited from claimant's work, services, and labor as described above.

- Plaintiff had the reasonable expectation that she would be compensated for 100. the work, services, and labor she rendered to defendants during the period described above.
- 101. Plaintiff was paid substantially less than the reasonable value of her work, services, and labor rendered to defendants as described above.
- Because of defendants' failure to pay plaintiff for her work, services, and 102. labor rendered as described above, plaintiff has been injured in an amount to be determined.

TENTH CAUSE OF ACTION (in the alternative) Unjust Enrichment

- 103. Plaintiff repeats and realleges ¶¶ 1-102 above.
- Plaintiff rendered work, services, and labor to defendants in 2006 as 104. alleged above.
- 105. Defendants accepted, benefited, and profited from plaintiff's work, services, and labor rendered in 2006.
- By defendants' failure to pay plaintiff her full bonus for her work, 106. services, and labor rendered in 2006, defendants have been unjustly enriched in an amount to be determined.

ELEVENTH CAUSE OF ACTION Labor Law

- 107. Plaintiff repeats and realleges ¶ 1-106 above.
- 108. By failing to pay Jankousky her 2006 bonus, the Bank has reduced Jankousky's wages in violation of Labor Law § 193(1).
- 109. Defendants' failure to pay Jankousky her full wages was "willful" within the meaning of Labor Law § 198(1-a).

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TWELFTH CAUSE OF ACTION Retaliation under the Labor Law

- 110. Plaintiff repeats and realleges ¶¶ 1-109 above.
- 111. By the conduct described above, defendants unlawfully retaliated against plaintiff for engaging in statutorily protected activity, in violation of the Labor Law.
- 112. Defendants knew that their actions constituted unlawful retaliation and/or showed reckless disregard for plaintiff's statutorily protected rights.
- 113. As a consequence of defendants' retaliatory actions in violation of the Labor Law, plaintiff is now suffering irreparable injury, emotional distress, and monetary damages and will continue to do so unless and until the Court grants relief.
- 114. As a consequence of defendants' retaliatory actions, plaintiff is entitled to recover from defendants, jointly and severally, lost pay, compensatory damages, punitive damages, costs, reasonable attorneys' fees, and other appropriate relief pursuant to N.Y. Labor Law § 215.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully requests that this Court:

- (a) declare that the acts and practices herein violate Title VII, the Human Rights Law, the City Law, the Labor Law, and New York common law;
 - (b) enjoin and permanently restrain these violations;
- (c) direct defendants to take such affirmative steps as are necessary to ensure that the effects of these unlawful practices are eliminated and do not continue to affect plaintiff's employment opportunities;

- (d) direct defendants to reinstate plaintiff to the position she would have occupied but for defendants' discriminatory and unlawful conduct and make her whole for all the earnings and other benefits she would have received but for defendants' unlawful acts and discriminatory treatment, including but not limited to lost wages and other lost benefits;
- (e) enter judgment against defendant for damages for breach of the Contract in an amount to be determined;
 - (f) declare defendant in breach of the Contract;
- (g) in the alternative, enter judgment against defendants for damages suffered as a result of plaintiff's reasonable reliance on the promise of the 2006 bonus;
- (h) in the alternative, award plaintiff damages in quantum meruit to reasonably compensate her for the work, services, and labor rendered to defendants;
- (i) in the alternative, enter judgment against defendants and order them to discharge profits they have accrued as a result of plaintiff's work, services, and labor rendered to them in 2006.
- (j) direct defendants to pay plaintiff lost wages as a result of defendants' unlawful wage reduction;
- (k) direct defendants to pay plaintiff an additional amount as liquidated damages as provided by the Labor Law;
- (l) direct defendants to pay plaintiff compensatory damages, including damages for emotional distress, humiliation, and pain and suffering, pursuant to Title VII, the Human Rights Law, the City Law;
- (m) direct defendants to pay an additional amount as punitive damages pursuant to Title VII and the City Law;

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- (n) award plaintiff such interest as is allowed by law;
- (o) award plaintiff compensation to adjust for any adverse tax consequences of the award;
- (p) award plaintiff her reasonable attorneys' fees and costs pursuant to the Title VII, the Labor Law, and the City Law;
- (q) grant such other and further relief as this Court deems necessary and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, plaintiff demands a trial by jury in this action.

Dated: New York, New York May 2, 2008

VLADECK, WALDMAN, ELIAS & ENGELHARD, P.C.

n. ...

By:

Karen Cacace (KC 3184) Maia Goodell (MG 8905)

Attorneys for Plaintiff 1501 Broadway, Suite 800

New York, NY 10036

(212) 403-7300

Jankousky v. NFB et al Index No.: 08-CV-1858(PAC)

AFFIRMATION

EXHIBIT D 5/19/08 DEMAND LETTER LAW OFFICES

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MATTITUCK, LONG ISLAND
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JANET GEASA

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SUITE III
MELVILLE, NEW YORK 11747
631-249-9480
TELEFAX NO. 631-249-9484

May 19, 2008

ERIC J. BRESSLER

VIA FACSIMILE (212) 221-3172 AND REGULAR MAIL

Karen Cacace Maia Beth Goodell Vladeck, Waldman, Elias & Engelhard, P.C. 1501 Broadway New York, N.Y. 10036

Re: Evelyn Jankousky v. North Fork Bancorporation Inc.

Capital One Financial Corp., Capital One, N.A. and

North Fork Bank

Case No. 08 CV 01858

Dear Ms. Cacace and Ms. Goodell:

We write pursuant to our earlier discussion concerning the propriety of the continuance of the action against Capital One Financial Corporation and North Fork Bancorporation, Inc. In light of the pre-motion conference and the information which should have been and which, in any event, now is known, we believe that such continuance through the amended complaint is in violation of the provisions of the Federal Rules of Civil Procedure 11(b)(2). Prior to completing the motion to dismiss, which we believe as to those two parties to be without reasonable objection, we offer the opportunity and ask that you voluntarily discontinue as to such parties and litigate the issues as to the only party which you know to be arguably liable.

Very truly yours,

ERIC J. BRESSLER

Jankousky v. NFB et al Index No.: 08-CV-1858(PAC)

AFFIRMATION

EXHIBIT E 5/20/08 ATTORNEY LETTER

VLADECK, WALDMAN, ELIAS & ENGELHARD, P.C. counselors at law

1501 BROADWAY New York, N.Y. 10036

TEL 212/403-7300

FAX 212/221-3172

KAREN CACACE



WRITER'S DIRECT DIAL 212/403-7386

May 20, 2008

By Facsimile
Eric J. Bressler, Esq.
Wickham, Bressler, Gordon & Geasa, P.C.
275 Broad Hollow Road, Suite 111
Melville, NY 11747

Re: Jankousky v. North Fork Bancorporation, Inc., et al.,

No. 08 Civ. 01858 (PAC)

Dear Mr. Bressler:

We write in response to your letter of yesterday. You claim that it is improper to continue this action against defendants Capital One Financial Corp. and North Fork Bancorporation, Inc.

As you know, plaintiff has offered to dismiss these defendants if Capital One, National Association and/or North Fork Bank will agree to substitute themselves as the appropriate defendants. Because it is not clear from publicly available documents that Capital One Financial Corp. and North Fork Bancorporation, Inc. were not Ms. Jankousky's employers, she can not reasonably agree to dismiss these entities without such an agreement.

Plaintiff is still willing to dismiss Capital One Financial Corp. and North Fork Bancorporation, Inc. if Capital One, National Association and/or North Fork Bank will represent that they were plaintiff's employers and are willing to proceed immediately to the discovery phase of the litigation. Alternatively, if defendants wish to provide plaintiff with documents demonstrating that Capital One Financial Corp. and North Fork Bancorporation, Inc. were not her employers, plaintiff will reconsider her position after reviewing such documents.

Please call me if you would like to discuss this matter further.

Very truly yours,

Karen Cacace

Jankousky v. NFB et al Index No.: 08-CV-1858(PAC)

AFFIRMATION

EXHIBIT F 6/13/07 EEOC COMPLAINT

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INFORMATION ON CHARGES OF DISCRIMINATION

EEOC RULES AND REGULATIONS

Section 1601.15 of EEOC's regulations provides that persons or organizations charged with employment discrimination may submit a statement of position or evidence regarding the issues covered by this charge.

EEOC's recordkeeping and reporting requirements are found at Title 29, Code of Federal Regulations (29 CFR): 29 CFR Part 1602 (see particularly Sec. 1602.14 below) for Title VII and the ADA; 29 CFR Part 1620 for the EPA; and 29 CFR Part 1627, for the ADEA. These regulations generally require respondents to preserve payroll and personnel records relevant to a charge of discrimination until disposition of the charge or litigation relating to the charge. (For ADEA charges, this notice is the written requirement described in Part 1627, Sec. 1627.3(b)(3), 14(a)(2) or .5(c), for respondents to preserve records relevant to the charge – the records to be retained, and for how long, are as described in Sec. 1602.14, as set out below). Parts 1602, 1620 and 1627 also prescribe record Questions about retention periods and the types of records to be retained should be resolved by referring to the regulations.

Section 1602.14 Preservation of records made or kept. Where a charge ... has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII or the ADA, the respondent ... shall preserve all personnel records relevant to the charge or the action until final disposition of the charge or action. The term personnel records relevant to the charge, for example, would include personnel or employment records relating to the aggrieved person and to all other aggrieved employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates or the same position as that for which the aggrieved person applied and was rejected. The date of final disposition of the charge or the action means the date of expiration of the statutory period within which the aggrieved person may bring [a lawsuit] or, where an action is brought against an employer either by the aggrieved person, the Commission, or the Attorney General, the date on which such litigation is terminated.

NOTICE OF NON-RETALIATION REQUIREMENTS

Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA provide that it is an unlawful employment practice for an employer to discriminate against present or former employees or job applicants, for or applicants for membership, because they have opposed any practice made an unlawful employment practice by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an Additionally, Section 503(b) of the ADA prohibits coercion, intimidation, threats, or interference with anyone under the Act.

Persons filling charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC; if any attempt at retaliation is made. Please note that the Civil Rights Act of 1991 provides substantial additional monetary provisions to remedy instances of retaliation or other discrimination, including, for example, to remedy the emotional harm caused by on-the-job harassment.

NOTICE REGARDING REPRESENTATION BY ATTORNEYS

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please give us your attorney's hame, address and phone number, and ask your attorney to write us confirming such representation.

	Tent 7-9 Filed 05/27/	72006 Page 4 01 13	
CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974; See Privacy Act Statemen	AGENCY It before FEPA	CHARGE NUMBER	
completing this form.	X EEOC		
	sion of Human Rights	and EEOC	
State or loc	al Agency, if any		
NAME <i>((ind)cate(Mir_{i, M}is., Mirs.)</i> Ms. Evelyn Jankousky	HOME TELEPHONE (Inc. (212) 923-4446	lude Area Code)	
STREET ADDRESS CITY, STATE AND ZI		DATĘ OF BIRTH	
900 West 190th Street, Apt. #7C, New York, New York 10040		1/12/56	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT A AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.	GENCY, APPRENTICESHIP COM)	IMITTEE, STATE OR LOCAL GOVERNMENT	
NAME North Fork Bank More than	OF EMPLOYEES, MEMBERS 15	Code)	
STREET ADDRESS CITY, STATE AND ZI	P CODE	631-844-1000 COUNTY	
275 Broadhallow Road, Melville, New York 11747 NAME		NEW YORK	
VAME	TELEPHONE NUMBER (I		
STREET ADDRESS CITY, STATE AND ZIE	PCODE	COUNTY	
RACE COLOR SEX RELIGION RETALIATION NATIONAL	AGE	DISCRIMINATION TOOK PLACE EST (ADEA/EPA) LATEST (ALL) March 12, 2007	
ORIGIN DISABILITY	OTHER (Specify)	CONTINUING ACTION	
HE PARTICULARS ARE (If additional paper is needed, attach e	extra sheet(s)):		
Please see attached affidavit.			
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EE	OC-NYDO-CRTIU		
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ant this charge filed with both the EEOC and the State or local Agency, ny. I will advise the agencies if I change my address or telephone	NOTARY - (When necessar Requirements)	ry for State and Local	
mber and will cooperate fully with them in the processing of my arge in accordance with their procedures.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.		
ceclare under penalty of perjury that the foregoing is true and correct. 5/22/07	SIGNATURE OF COMPLAIN	ANAIA BETH GOODELL TARY PUBLIC, State of New York No. 02G06157311	

Case	1:08-cv-6
Cacc	

EVELYNJANKOUSKY, 🥕 🕝		
- and -	Complainant,	Charge No.
NORTH FORK BANK,		
en e	Respondent.	X
STATE OF NEW YORK) : ss		EEOC-NYDO-CRTIU

EVELYN JANKOUSKY, being duly sworn, deposes and says:

- 1. I am the Complainant in this matter, and I submit this Affidavit in support of my Charge of discrimination and retaliation. I believe that North Fork Bank discriminated against me on the basis of sex and retaliated against me after I complained of discrimination, as set forth in this Affidavit.
 - 2. I am a woman.
- 3. I was employed at North Fork for about 5 ½ years. I was Branch Manager of the Fifth Avenue Branch for about three years, until I was fired on March 12, 2007.
- 4. I received a Masters Degree in Business Administration in finance and international business from New York University in 1991. I have worked in the finance industry for twenty five years.
- 5. I began working at North Fork Bank in 2001. I achieved results that demonstrably exceeded those of many of my male peers. In two and a half years, I grew the

branch from approximately 250 to 400 million dollars in deposits. In 2006, I had less than \$11,000 in losses and earned several million dollars in net income for the bank. My branch received a 98% approval rating from the bank's "mystery shopper" rating program.

- 6. In early 2006, my supervisor, who was a woman, was transferred. A man, Paul Santamaria, replaced her. I was one of three women out of thirteen branch managers reporting to Mr. Santamaria.
- 7. Mr. Santamaria was in turn supervised by Joe Roberto. I was one of 7 women out of 44 branch managers who reported indirectly to Mr. Roberto.
- 8. The Fifth Avenue branch was one of North Fork's largest branches, in the top 10-15 of 350 branches. I was the only woman to manage a branch of comparable size.
- 9. From early in his supervision of me, Mr. Santamaria spoke to me and other women branch managers and assistant managers in a derogatory and unprofessional tone. I have never observed him speak with a man in the same manner.
- 10. In May 2006, Mr. Roberto and Mr. Santamaria met with me and raised questions about the way in which forms that my branch had submitted were filled out. For example, they criticized me for a minor error in the way one wire transfer form that I approved was completed, which did not affect the substance of the information on it.
- I approve approximately 400 wire transfer forms each month, among the highest volume of the branch system. There was never a loss that resulted from any wire transfer that I approved in five years.
- 12. The errors that Mr. Roberto and Mr. Santamaria criticized me for were less significant than errors made by male branch managers who they did not criticize, and did not

place the bank at risk of loss. For example, one male branch manager had \$45,000 in losses in 2006. Another male branch manager had \$60,000 in losses in 2005 and failed an audit. To my knowledge, they did not receive any significant discipline.

- 13. On several subsequent occasions, Mr. Santamaria admonished me for approving forms that contained minor errors.
- 14. In addition, Mr. Santamaria questioned my business judgment in refunding fees to certain clients and admonished me for issuing such refunds. I had issued these refunds to retain accounts against competitors who offered accounts without such fees. I always issued such refunds in accordance with the bank's written policy. I complied with the requirement that I curtail issuing such refunds.
- 15. Similarly, on subsequent occasions Mr. Santamaria denied requests to pay competitive interest rates to important clients. As a result of the higher fees and lower interest, the branch lost several important clients.
- 16. To my knowledge, my male peers were admonished less about incorrect forms, nor did Mr. Santamaria question their business judgment in fees and interest rates.
- 17. My compensation at North Fork consisted of a base salary and a bonus that was calculated based on the dollar growth of the accounts at my branch. I received statements each month detailing this growth and the resulting bonus pool. In late November 2006, however, Mr. Santamaria informed me that he was cutting my bonus by over 65%.
- 18. I was shocked and asked Mr. Roberto for a meeting. On approximately December 4, 2006, I met with Mr. Roberto to tell him that I did not believe this reduction was fair. To my surprise, Mr. Santamaria was also present.

- 19. They told me that it was "not in the spirit of incentive compensation" for me to receive my full compensation. They said that they believed the growth was because of a client's compliance with banking regulations and not because of my work. The formula in my bonus contract contains no such exception, but I nevertheless attempted to explain that I had a good relationship with the client and that the client had grown its deposits because of my work.
- 20. Mr. Santamaria said that I had "no credibility" with him and that he had "no way of knowing" whether my explanation was true, refusing to verify my statements independently, though I gave him several suggestions for doing so. Mr. Santamaria interrupted me throughout the meeting; eventually, I asked him to allow me to finish my sentences.
 - 21. To my knowledge, no male branch manager had his bonus cut.
- 22. On December 18, 2006, Mr. Santamaria gave me an annual performance review. He told me I was a "total failure" as a branch manager. When I told him that I had always received positive reviews and pointed out the measurable success of my branch, he said "you got lucky; I'm watching you now."
- 23. Mr. Santamaria's criticisms increased in late December 2006 and early January 2007, sometimes reaching several times a day. Most of the alleged issues for which he criticized me resulted in no loss to the bank, and any losses were far smaller than losses suffered by other branch managers. To my knowledge, my male peers were not so criticized.
- .24. In early January 2007, Mr. Santamaria informed me that he was placing me on "final warning" and that, as a result, I would be paid no bonus compensation at all, unless my performance improved by April 9, 2007.

- 25. In late 2006, I consulted with and later retained a lawyer to assist me in asserting my rights against the bank. On February 8, 2007, my lawyers wrote to the bank in an attempt to resolve these issues. The letter stated that the bank had discriminated against me on the basis of sex.
- 26. On March 12, 2007, less than five weeks after the letter from my lawyer and before the warning period had even run, the bank fired me. I received no bonus compensation at all.
 - 27. The branch manager who replaced me was a man.
- 28. The bank did not fire several of my male peers who committed errors that were significantly more serious and resulted in losses to the bank, including the male branch managers discussed above.
- 29. I believe that the bank discriminated against me and fired me because I am a woman and in retaliation for my complaining about discrimination.

Evelyn Jankousky

Sworn to before me this 22nd day of May, 2007

Notary Public

MAIA BETH GOODELL
NOTARY PUBLIC, State of New York
No. 02G06157311
Qualified in New York County
Commission Express December 4, 20

Document Retention Notice Pursuant to Charge Of Discrimination

YOU ARE HEREBY GIVEN NOTICE NOT TO DESTROY, CONCEAL OR ALTER ANY PAPER DOCUMENTS OR ELECTRONIC DATA INCLUDING DATA GENERATED BY OR STORE ON ANY COMPUTER OR COMPUTER STORAGE MEDIA (E.G., HARD DISKS, FLOPPY DISKS, BACKUP TAPES), THAT RELATE TO THE CLAIMS AND DEFENSES IN THE ACCOMPANYING CHARGE OF DISCRIMINATION. FAILURE TO COMPLY WITH THIS NOTICE, EITHER THROUGH INTENTIONAL ACTS OR NEGLIGENCE, CAN RESULT IN SANCTIONS FOR SPOLIATION OF EVIDENCE. SANCTIONS COULD INCLUDE MONETARY PENALTIES AND OTHER COURTIMPOSED ACTION.

- A. Paper Documents to be Preserved: Hard-copy information which should be preserved includes, but in not limited to:
 - 1. Personnel files;
 - 2. Employee data;
 - 3. Payroll information;
 - 4. Personnel policies, procedures, and regulations;
 - 5. Letters, memoranda and notes;
 - 6. All complaints of discrimination or unfair treatment;
 - 7. All documents related to internal investigations; and
 - 8. All other documents containing information relevant to the subject matter of the charge of discrimination.
- B. Electronic Data to be Preserved: Electronic information which should be preserved includes, but is not limited to:
 - 1. Electronic mail (e-mail) and information about e-mail (including message contents, header information and logs of e-mail system usage) sent or received which is relevant to the subject matter of the charge of discrimination;
 - 2. Databases (including all records and fields and structural information in such databases), containing any reference to or information about the human resources or personnel information of your employees;
 - 3. Word processing files, including prior drafts, "deleted" files and file fragments containing information about or relevant to the subject matter of the charge of discrimination:
 - Electronic data files and file fragments created or used by electronic spreadsheet
 programs, where such data files contain information relevant to the subject matter of the charge of discrimination; and
 - 5. All other electronic data containing information relevant to the subject matter if the charge of discrimination.

- C. Additional Procedures: the following procedures should be observed or undertaken to further maintain potentially relevant electronic data:
 - 1. Online Data Storage on Mainframes and Minicomputers: With regard to online storage or direct access storage devices attached to your mainframe computers or minicomputers: you should not modify or delete any electronic data files, "deleted" files, or file fragments existing at the time of the filing of this charge, unless a true and correct copy of each such electronic data file has been made and steps have been taken to assure that such a copy will be preserved and accessible.
 - 2. Offline Data Storage, Backups and Archives, Floppy Diskettes, Tapes and Other Removable Electronic Media: With regard to all electronic media used for offline storage, including magnetic tapes and cartridges and other media that, at the time of the filing of the charge, contained any electronic data meeting the criteria listed in paragraph 1 above. You should stop any activity that may result in the loss of such electronic data including rotation, destruction, overwriting or erasure of such media in whole or in part. This request is intended to cover all removable electronic media used for data storage in connection with your computer systems, including magnetic tapes and cartridges, magneto-optical disks, floppy diskettes and all other media, whether used with personal computers, minicomputers or mainframes or other computers, and whether containing backup or archive data sets and other electronic data, for al of your computer systems.
 - 3. Retention of Data Storage Devices: You should not to dispose of any electronic data storage devices or media that may contain electronic data meeting the criteria listed in paragraph 1 above.
 - 4. Fixed Drives on Stand-Alone Personal Computers and Network Workstations: With regard to electronic data meeting the criteria listed in paragraph 1 above, which existed on fixed drives attached to stand -alone microcomputers or network workstations at the time of the filing of the charge. You should nit alter or erase such electronic data, and should not perform other procedures (such as data compression and disk defragmentation or optimization routines) that may impact such data, unless a true and correct copy has been made of such active files and of completely restored versions of such deleted electronic files and file fragments, copies have been made of all directory listings (including hidden files) for all directories and subdirectories containing such files, and arrangements have been made to preserve copies.
 - 5. Programs and Utilities: You should preserve copies of all application programs and utilities, which may be used to process electronic data described herein.
 - 6. Evidence Created Subsequent to This Notice: With regard to electronic data created subsequent to the date of delivery of this letter, relevant evidence in not be destroyed and you should take whatever steps are appropriate to avoid destruction of evidence.

Case 1:08-cv-01858-PAC Document 7-9 Filed 05/27/2008 Page 12 of 13 Guideline or an Effective Position State ant

How the EEOC uses employer position statements

EEOC is an objective fact finding agency. We have heard what the Charging Party has to say about <u>what</u> happened and <u>why</u> Charging Party believes it happened. Now we encourage you to provide a detailed response to these allegations. A well drafted and supported position statement can help us to accelerate the investigation and may limit requests for further information.

Is a brief statement drafted by a representative without supporting evidence sufficient?

No; an effective position statement should be accompanied by supporting evidence which authenticates the truthfulness and accuracy of the response and should be sworn to by a company official. You should provide any evidence which supports your position. Our investigators are trained to review and analyze evidence, and they recognize that a lawyer's or company official's conclusions about the motives, intentions, or events do not constitute the evidence needed to resolve most cases. While we encourage you to provide us with any legal defenses you may have, we also need to have you present your evidence of the facts relating to the merit of the charge.

What should a position statement include?

At a minimum, it should include specific, factual responses to every allegation of the charge. The position statements should clearly explain the respondent's version of the facts and identify the specific documents and witnesses supporting the position. Keep the following points in mind as you prepare the response to the charge:

- ✓ Address each alleged discriminatory act and your position regarding it. Indicate which of the Charging Party's allegations are disputed.
- ✓ Provide a description of the company; include legal name and address, name, address, title and phone number of the person responsible for responding to the charge, primary function of the business, and the number of employees. A staffing or organizational chart is also useful in helping to focus the investigation.
- ✓ Provide copies or descriptions of any applicable practices policies or procedures.
- ✓ Identify any other individuals who have been similarly affected by these practices, policies, or procedures; describe the circumstances in which the practices, policies, or procedures have been applied.
- ✓ Explain why individuals who were in a similar situation to the Charging Party were not similarly affected.
- ✓ Identify official(s) who made decisions or took action relating to the matter(s) raised in the charge.
- ✓ Be specific about date(s), action(s) and location(s) applicable to this case.
- ✓ Provide copies of internal investigations of the alleged incidents or grievance hearing reports.
- ✓ Inform EEOC if the matter has been resolved or can be easily resolved; if it can be resolved, please indicate your proposal for resolution.

An effective position statement is clear, concise, complete, responsive and is sworn to by a company official.

How much time is normally allowed for preparation of a position statement?

Two weeks is normally allowed for responding to the charge. A brief extension of time may be allowed in particular cases where extensive interviews need to be conducted or documents reviewed, but only when it is clear that the employer is working in good faith to supply all of the necessary information.



Please return this form to:

U.S. E. AL EMPLOYMENT OPPORTUNITY CC IISSION New York District Office

33 Whitehall Street, 5th Floor New York, NY 10004-2112

MEDIATION INVITATION RESPONSE FORM

Complete and fax/mail this form on or before the Position Statement due date.

Your charge has been selected for EEOC's Mediation Program. The Commission is making available this effective, neutral and confidential process to Charging Parties and Respondents as an efficient alternative to investigation and possible litigation of employment disputes. If either side prefers investigation to mediation, please let us know immediately, so that we may return your charge back to investigation.

If both parties agree to mediation, we will attempt to schedule an agreeable date. Please be advised that this process takes approximately 2-3 weeks. Once Respondent agrees to participate in mediation, the due date for the Position Statement is suspended. If Respondent chooses not to take advantage of the mediation process, then a Position Statement is due.

ADR Unit - Mediation

New York District Office

	Equal Employment Opportunity Commission 33 Whitehall Street, 5 th Floor New York, NY 10004-2112
Or fax your invitation to:	Fax: (212) 336-3633
) I/ We agree to mediation:	
Provide 3 proposed dates (within 2	1 calendar days):
() I/ We decline to participate in the	mediation program:
If you decline to participate in the many This information will be used for ev	nediation program, please state the reason for declining. aluative purposes only.
Comments:	
	[] Respondent / Representative \ (Please print clearly)
Charge Number/ Party Names: 520-20	07-02866
NameTit	le:
Street Address:	
Telephone:Fax:	
E-mail:	

Jankousky v. NFB et al Index No.: 08-CV-1858(PAC)

AFFIRMATION

EXHIBIT G 9/19/07 ANSWER AND POSITION STATEMENT

U.S. EQUAL EMPLOYN OPPORTUNITY COMM		
In the Matter of the Complaint of EVELYN JANKOUSKY,		EEOC Charge No. 520-2007-0286
- against -		ANSWER AND <u>POSITION STATEMENT</u>
NORTH FORK BANK,		
	Respondent.	
	X	

NORTH FORK BANK, a division of Capital One, N.A. ("NFB"), by its attorneys, Wickham, Bressler, Gordon & Geasa, P.C., as and for its Answer and Position Statement with respect to the Complaint, respectfully alleges:

- 1. At the outset, NFB denies any and all allegations of discrimination and retaliation based upon gender or any other prohibited basis. As will be seen below, it was solely as a result of Complainant's non-performance that she was first disciplined and later terminated from employment.
- 2. One of the few areas of the Complaint, which is factual, concerns

 Complainant's initial employment with NFB. Complainant was, in fact, employed at

 NFB for approximately 5½ years since 2001, was the Branch Manager of NFB's Fifth

 Avenue branch for approximately three years, and was terminated from employment on

 March 12, 2007. NFB is not aware of her claimed educational background or her

 claimed work experience for twenty-five years in the finance industry. Complainant is a

 female.

- The branch that Complainant managed was not unique in its performance figures. 3. For example, seven other branches were larger in deposit-volume and several managed by females, e.g., Bayside Main and Melville. It should be noted that Complainant's branch owed its size primarily to one customer, whose deposits made up more than 3/4 of total deposits in 2006. Other deposits actually declined from 2005 to 2006. In the specific region in which Complainant's branch was located, one-third of the twelve branch managers were female and all reported to Paul Santamaria. In 2006, the Manhattan Division of NFB was reorganized into regions with differing boundaries and management changes made. As a result, Complainant reported to Paul Santamaria, rather than her prior manager, who was transferred to another region. System wide, there were 301 branch managers, 159 of whom are female. In Joseph Roberto's area, there were 36 branch managers, 11 of which where females. The head of branch banking is also a female. More than 90 branches had a better mystery shop score than Complainant's branch.
- Paul Santamaria managed his region in a fair and non-discriminatory 4. manner. He required competent performance from all of his managers, whether male or female, and disciplined both male and female managers who did not meet reasonable expectations. Complainant would have no way of knowing whether or not Paul Santamaria's treatment of other branch managers was similar or dissimilar - in fact, everyone was treated similarly. The fact that Complainant did not like Mr. Santamaria's management style is of no moment.
- 5. Complainant's work was unsatisfactory and as a result a counseling occurred in May, 2006 between Complaint, Joseph Roberto, and Paul Santamaria. At

that counseling meeting, Complainant was counseled as to the following deficiencies: Client relationship management, approval authority, quality control, credibility, and support of bank management. The circumstances were far from minor, as characterized by Complainant. Indeed, they went to the heart of the branch manager's functions. For example, Complainant approved excessive overdrafts, excessive refunds of service charges, placed stop payments late, paid overdrafts against senior management instruction, approved a wire transfer against insufficient funds, and ignored proper budgeting procedure. The fact that the Bank did not suffer a loss as a result of Complainant's approval of a wire transfer against insufficient funds does not excuse the gross deviation from proper procedure.

- 6. Complainant was properly criticized for significant procedural and substantive lapses, as were all branch managers. Since Complainant fails to cite the identity of any branch manager not similarly treated, no other specific response can be made, except to note similar treatment.
- 7. Complainant's performance was not satisfactory, as conceded by her own Complaint. For example, in paragraph 13 thereof, Complainant admits to errors, but argues only as to their severity. Similarly, in paragraph 14, Complainant concedes that she was counseled to stop making service fee refunds to certain customers. These refunds were plainly not in accordance with policy or they would have been permitted. The Bank lost <u>no</u> important clients as a result of enforcement of its policies.
- 8. The Bank determination of appropriate interest rates to pay on accounts was made by senior management. It was not the place of Complainant to fail to adhere to these polices. Any branch manager so failing to adhere was subject to discipline.

- 9. Complainant was paid her proper bonus based upon the performance of her branch. In November, 2006 an adjustment had to be made to the calculation due to the fact that Complainant had opened and maintained an account for a customer in violation of federal regulations. This is the same customer whose deposits constituted more than three-quarters of total deposits. Specifically, Complainant permitted an interest bearing account to be utilized as an unlimited checking account. Complainant is under the false impression that she should get credit for the involuntary conversion of a portion of the account to non-interest bearing deposits, when it was her error which created the exception. She is simply wrong. No incentive was due since there was no net deposit growth. Both Mr. Santamaria and Mr. Roberto were present at the meeting and fully explained the situation. Mr. Santamaria did not make the statements attributed to him at that time.
- 10. Any branch manager who fails to meet the reasonable expectations of senior management is subject to elimination of incentive pay, whether male or female. Complainant has no knowledge of such matters as to other managers.
- 11. In December, 2006, Complainant received a negative performance review. Copy attached as **EXHIBIT A**. This performance review cites the specifics of Complainant's shortcomings. The review accurately reflects the feelings of Mr. Santamaria regarding Complainant's performance. Complainant's statements in the Complaint to the extent inconsistent with the comments in the review are in error.
- 12. Complainant's work continued to be unsatisfactory and on January 9. 2007, Complainant was counseled in writing. Copy attached as **EXHIBIT B**. Complainant signed the counseling. A file memo documenting the meeting is annexed as

a part of **EXHIBIT B**. Complainant was entitled to no bonus incentive if her performance did not improve. Male managers were handled similarly.

- 13. Complainant did, through her attorneys, in February, 2007, complain about her incentive pay. However, this complaint came long after Complainant's performance shortcomings began to be documented. Thus, there is no logical connection between this Complaint concerning money and Complainant's failure to perform and its consequences thereof.
- By March, 2007, Complaint's performance continued to deteriorate and on March 12, 2007, her employment was terminated. Copy of memo annexed as EXHIBIT
 C. Complainant, of course, did not agree with content. The reasons for termination are explained in detail in the memorandum.
- 15. Complainant's performance, as documented, warranted termination of employment. Any employee similar situated and similarly performing was treated similarly.
- 16. Complainant's gender had nothing to do with her lack of performance or termination. Complainant's complaint about money had nothing to do with her lack of performance or termination. Complainant's performance was the sole determining factor in her termination.

Based upon the forgoing, the Complaint should be denied. 17.

WHEREFORE, it is respectfully requested that the Complaint be dismissed.

Dated: Melville, New York September 19, 2007

Yours, etc.,

WICKHAM, BRESSLER, GORDON & GEASA, P.C.

By:

Eric J. Bressler

Attorneys for Respondent

275 Broad Hollow Road - Suite 111

Melville, New York 11747

(631) 249-9480

TO: John Douglass

U.S. Equal Employment Opportunity Commission

New York District Office 33 Whitehall Street, 5th Floor New York, New York 10004-2112

(212) 336-3620

Exhibit A

Evelyn Jankousky - 2006 Performance Review

In January of 2006 the Division in Manhattan was reorganized to better group branches into Regions using established boundaries of Eastside, Westside and Downtown so that other areas of the Bank could readily identify a Branch location to a Region. Branch 270 under the management of Evelyn Jankousky was placed into Region 19 representing the Westside of Manhattan. As the Regional Branch Administrator of Region 19 I have had the opportunity to observe and compare Evelyn's performance at Branch 270 with the performance of other managers in a Region comprised of 15 Branch locations.

After just a brief period of time I started to notice the requests submitted by Evelyn for my review and approval were not consistent with work submitted by other managers. As time went on the inconsistencies in work she submitted continued.

In addition to my ongoing discussions with Evelyn regarding her performance, she and I had a meeting on May 18^{th} at the Regional Office. Joseph Roberto the Divisional SVP was also in attendance. The sole purpose of this meeting was to discuss with Evelyn many of the key performance areas she needs to improve on. The most significant areas discussed were failing to follow direction, exceeding approval authority, the need to adhere to established procedures, and justification of decisions made and associated risk. Since that meeting any improvement in performance has not been sustained.

Key areas where Evelyn's performance is not on par with her peers are as follows:

- Judgment & Decision Making
- Following Procedures
- Approval Authority
- Relationship Management & Pricing
- Delegation of Work
- Supervision of Staff
- Management Review of Work
- Accepting Responsibility
- Risk Tolerance
- Excessive errors
- Incomplete work
- Credibility
- Taking Direction / Insubordination

A file is maintained in the Regional office with support documentation to illustrate Evelyn's difficulty in all of the key performance areas listed above. A copy of this documentation is all in her file with Human Resources.

As I complete this performance review it very apparent that Evelyn has difficulty in performing her duties as Branch Manager. She will need to be under closer supervision to better monitor her actions and the ongoing activity of the branch staff. A performance counseling will be prepared to highlight these key areas and to place Evelyn on notice that immediate and sustained improved in her performance is needed or she will face further disciplinary action which can result in the termination of her employment.

Migliorisi, Maria Linda

From: Santamaria, Paul A

Sent: Monday, December 18, 2006 6:55 PM

To: Migliorisi, Maria Linda
Cc: Roberto, Joseph R

Subject: EJ Review

Linda.

I discussed with Evelyn my evaluation of her performance in the year 2006. I expressed to her my disappointment in her overall performance as Branch Manager. I told her that she needs to demonstrate immediate and sustained improvement in aspects of her job performance as Branch Manager. She has been informed that I have a file containing support documentation regarding her poor performance. She is also aware that a copy of this documentation is on file with HR. I continued to explain to her that while the performance evaluation is complete I have engaged conversations with both HR and Joseph Roberto to discuss further disciplinary actions. I informed Evelyn that as a result of her poor performance she will be under closer supervision to better monitor her performance.

Evelyn informed me that she is fully capable of doing this job a job that she loves. My response to her was that I welcome improvement in her performance, and that it is up to her to do so.

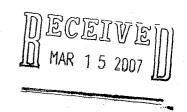
After I was finished with the evaluation she continued to keep the conversation going by touching on key performance areas. In every case I had more than sufficient documentation and thorough recollection of events to further illustrate to her where she lacks in performance. Some of these examples were simply using current events as there are many. To name a few, there was the flawed written counseling on Fatima where by Evelyn signed off on an incomplete document that misrepresented the facts regarding the employee's performance. I explain to Evelyn that by misrepresenting facts actions might have been taken to terminate an employee's employment and also subject branch management to a similar decision pertaining to their employment. While the Fatima situation was in process Evelyn was directly involved in a mishandled request to return a check that was being paid on the account for Brotherhood of Essential Workers. In this situation she was deceptive in acknowledging her involving with the transaction so much that she twice responded to my specific and different questions as I tried to determine which employees were involved in the unique aspects of the transaction only by saying she didn't know, when in actuality she was the employee in question both times. I reminded her that she lacks credibility with me and that alone can be her own demise. Then I finally touched on a recent cash shortage for \$1000 with a new teller only on the window for two days after returning from teller training. She didn't she any risk in placing this extremely inexperienced teller on the window without direct supervision. I explained to her that this is why she now has a \$1000 shortage to deal with. I eventually turned the conversation back to a close by reminding Evelyn that she needs to take a more direct role in the overall management of her branch. That she will need to pay closer attention to the performance of her staff and the work they process and even the requests that passes across her desk for her approval by making sure that all of the work is being handled properly. The meeting ended with Evelyn expressing her commitment to getting her job done right.

Paul Santamaria Region 19 212 818 1218 212 818 1196 fax

Exhibit B

Exhibit C





MEMORANDUM REGION 19 – FIFTH AVENUE BRANCH

March 12, 2007

On March 12, 2007, Paul Santamaria, Regional Administrator, and Joseph Roberto, Division Senior Vice President, met with Evelyn Jankousky, Branch Manager at Region 19 Headquarters office located at 420 Lexington Avenue to discuss Evelyn's work performance.

Evelyn was hired by North Fork Bank on August 27, 2001. Evelyn was previously counseled on January 9, 2007 by Paul Santamaria and Joseph Roberto. Details of the counseling meeting are contained in the signed memorandum which is on file, a copy of which is attached for reference.

Branch Violations of Customer Service Representative Incentive Program

At the close of the January 9, 2007 counseling meeting, Paul reviewed an issue of great concern with Evelyn. Paul had recently learned that the Customer Service Representatives at the Fifth Avenue branch were in violation of the Bank's CSR Incentive Program by referring new account sales to each other. When Paul presented the reports to Evelyn which documented the falsified referrals Evelyn responded to Paul that she was already aware of the situation. In further discussion on this subject Evelyn advised Paul that D'Chivon Gooding, Sales Coach, had informed Evelyn a month earlier. Paul again questioned Evelyn on the time frame and she replied that she knew of this situation for a month. When Paul asked Evelyn what action she took, she told Paul that she met with the staff involved and told them not to do it again.

Paul then presented Evelyn with the rules for the CSR Incentive Program which state "Anyone found falsifying referrals or sales will be expelled from the incentive program indefinitely. Persons who defraud this program may be documented which could lead to termination". Evelyn's comment to this information was that she had not read this before. She also stated that her Assistant Manager handles the incentive program. Paul responded to Evelyn that her response supports his earlier statement that as Branch Manager, Evelyn was not taking responsibility for managing the branch. In doing so, she needs to be knowledgeable in all of the provisions of the incentive programs. Evelyn needs to make sure reports provided on a monthly basis are reviewed for discrepancies. Paul then asked Evelyn to review the detailed report he provided to her as it itemizes the accounts referral details. Evelyn was given time by Paul to review the report. Evelyn then spotted an account opened for Danielle Greczi, a family member of Jean-Paul Greczi, one of Evelyn's Customer Service Representatives. commented that it was inappropriate to have an account for an employee or relatives in the same branch were the employee works. Paul agreed with her and then pointed out to Evelyn that it is also a violation for this employee to have personally opened the account for their relative. Paul asked Evelyn if she would allow her tellers to process their own transactions or transactions for their relatives. She then agreed that it would not be allowed.

On January 23, 2007, Paul was reviewing overdraft decisions made by Branch Management. He came across a branch level decision to pay checks presented against insufficient funds on Brotherhood of Essential Union Workers. Paul recalled that there was a previous performance issue on November 22, 2006, regarding Evelyn's judgment and decisions making on this relationship. At that time, Evelyn commented to Paul that the relationship wasn't worth it and hadn't been maintained as she had expected. Based on this discussion, Paul believed Evelyn would take the necessary steps to terminate the account relationship.

As Paul reviewed the current activity in the account he noticed that check deposits were accepted at Evelyn's branch for next day availability, an exception practice only made by management for certain check deposits like bank checks, treasury checks, and postal money orders as provided for by Regulation CC. After further research into this matter, Paul determined that the check deposits in question were for low dollar amount personal checks or business checks and not the type of check deposit that would warrant next day funds availability as dictated by Regulation CC. A review of this account's history from January 1, 2006 to January 31, 2007 indicated that thirty-two (32) deposits were accepted at Evelyn's branch using this next day availability deposit ticket. When Paul asked Evelyn about this practice she stated to him that she was unaware that deposits were being processed in this manner. Paul also asked her if she knew why anyone would make this special accommodation this client, Evelyn responded by saying she knew of no reason why this should be done. The majority of the deposits made using the special next day availability ticket were approved by Jean-Paul Greczi, Customer Service Representative. Donna Hutchinson, Assistant Branch Manager told Paul that Jean-Paul was not sure why he would approve these deposit tickets, but he did believe someone told him to do it. Jean-Paul could not specifically name anyone for giving him these instructions. Although Evelyn claims that she has no knowledge of any deposits accepted for special availability or even a justification to do so, Evelyn personally approved two (2) deposits accepted on January 19, 2006 and February 1, 2006 for special availability. There was no other notation made on these deposit tickets other than Evelyn's approval on the deposit ticket or the check specifying the special availability. The account history shows deposits made at Evelyn's branch were processed using the special availability deposit ticket. During this same period checks deposited into this account from the same issuer but deposited at other branches were not processed using the special deposit ticket.

Another observation made while reviewing this account is that the account was originally opened in Hauppauge. It was during the summer of 2006 that Evelyn transferred this account to her branch. After the account was transferred to Evelyn's branch the manner in which it was maintained by the client deteriorated to point that account overdrafts became excessive. In the five month period covering September '06 to January '07 this account was allowed to be overdrawn for 79 days. The average balance was less than \$350 in all of 2006. On October 11, 2006, Evelyn entered approval instructions to the Divisional Manager to pay three (3) checks presented against insufficient funds for this account. Her reasoning was that the client made a late deposit the previous day which was accepted for next day posting. In Evelyn's instructions she clearly informed the Divisional Manager that the deposit was a check deposit in the amount of \$6,300 issued by Gary A. Podell. This check was accepted for deposit on a special availability deposit ticket, without basis in Regulation CC. This transaction confirms Evelyn's involvement in the handling of this account.

Paul also pointed out that Jennifer Pagliuca had this same account listed as one of her sales referrals, which duplicate listing would indicate the likelihood of a falsified referral. Paul instructed Evelyn to continue to review the detailed report very carefully and asked her to inform him of the actions she would be taking with regard to the performance of her employees. Paul directed Evelyn to report back to him about how this incident began back in August, 2006 and who suggested it. Since that time, it has been learned by management that Evelyn had knowledge of these referrals from D'Chivon Gooding in October, not December, as asserted by Evelyn. Evelyn failed to exercise proper judgment when she failed to resolve this matter in a timely manner and act in accordance with policy. Evelyn's failure to respond to D'Chivon's report of this information in October resulted in thirteen additional fraudulent referrals which were processed. The fraudulent incentives that were paid out in October and continued to occur in November and December could have been avoided had Evelyn acted in a more expeditious manner.

After a careful analysis of the incentive referrals for her branch, it was reported by Evelyn that there were fifty-eight (58) violations committed by three members of her staff. A copy of the analysis is attached for reference. These employees were informed in late January and early February that they would be expelled from the CSR Incentive Program due to their violation of program rules. They were warned in counseling meetings that any further violation of proper Bank policy or procedure would subject them to further disciplinary action, up to and including termination of employment. Copies of the signed counseling memorandums are on file with further details of the meetings. One employee, Jean-Paul Greczi, has since resigned from his employment with North Fork Bank. Another employee, Jennifer Pagliuca, transferred from the branch on November 27, 2006 to a new position, a promotional opportunity as an Assistant Branch Manager. Jennifer was placed on warning by her new Branch Manager, Corinne Newman and Regional Administrator Ellen Weber for violating the guidelines of the program.

In summary, Evelyn failed to respond appropriately and in a timely manner to the information provided to her by D'Chivon Gooding in October 2006. Until this subject was raised by Paul to Evelyn she failed to act in accordance with policy based on the severity of these violations. Evelyn never reported this information to Region Management and additionally did not remove these employees from future incentives as required by the program, a copy of the CSR Incentive program is attached for reference. Evelyn admitted to Paul that she was unaware of the Program rules and the consequence of violating the program. If Evelyn had turned this responsibility over to her Assistant Managers, as she stated she did, then she failed to assure that the Assistant Managers, Donna Hutchinson and Avril Conway, was familiar with and properly applied the rules of the program.

Brotherhood of Essential Union Workers

This is the same account relationship cited in Evelyn's January 9, 2007 performance counseling regarding events that took place on November 22, 2006 when confronted by Paul with the information Evelyn made false statements concerning the timing of her knowledge. As documented in the January 9, 2007 counseling memorandum, Evelyn had inappropriately instructed Jennifer Pagliuca to place a stop payment on a check that was already presented for payment against this same account, although Evelyn fully knew that the account was already overdrawn. Within minutes of giving Jennifer those instructions Evelyn denied any knowledge of having done so. Evelyn's denial was inconsistent with facts and inadequate to justify the action taken.

1026 3rd LLC; Claude Rolo

On Tuesday, January 23rd, Evelyn discussed with Claude Rolo his denied request for a refund of Cash Management fees on his business account. Evelyn was in the practice of refunding these fees on a monthly basis until December '06 when the procedure for handling cash management refunds changed. The procedural change stated that as of December 5, 2006 all refund requests for cash management fees in excess of \$25 must be directed to Mario Caracappa, Divisional Senior Vice President, Retail Administration, for his approval. The refund request submitted by Evelyn to Mario for cash management fees charged to 1026 3rd LLC in the amount of \$249.37 was denied. Evelyn communicated to Claude Rolo she could no longer process his refunds and went on to state that it is now Mario Caracappa who makes those decisions.

On the evening of Tuesday, January 23rd Claude Rolo contacted, by telephone, a family member of Mario Caracappa at their private residence looking to discuss the refund request with Mario. Mr. Rolo engaged in a detailed conversation with this family member concerning the specifics of his request.

Evelyn demonstrated poor relationship management skills in not being able to handle a routine refund request by failing to provide a satisfactory explanation to the customer. Moreover, Evelyn exercised poor judgment in using Mario's name regarding this refund request. Evelyn demonstrated poor pricing skills with respect to the relationship by granting repeated fee refunds on a low balance account.

When counseled on January 9, 2007, Evelyn was warned that she would be expected to demonstrate immediate and sustained improvement in her overall work performance. Evelyn was warned that any further incident whereby Evelyn failed to act responsibly as a member of management, failed to exercise proper judgment or placed the Bank in a position of risk through improper enforcement of policies and or procedures would result in further disciplinary action, up to and including termination of employment.

Due to work performance, Evelyn's employment with North Fork Bank is terminated as of today, March 12, 2007. As a further result of Evelyn's poor work performance and termination, her 2006 Incentive payout is forfeited.

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	
In the Matter of the Complaint of	
EVELYN JANKOUSKY,	EEOC Charge No. 520-2007-02866
Complainant, - against –	AFFIDAVIT OF SERVICE
NORTH FORK BANK,	
Respondent.	
STATE OF NEW YORK) ss.: COUNTY OF SUFFOLK) Francine R. Ramsay, being duly sworn, deposes and says: years of age and reside in Deer Park, New York. I am employed by P.C., attorneys for the Respondent.	
On September 19, 2007, I served a true copy of the <i>ANSW</i> above referenced action on the party set forth below, by depositing wrapper, in an official depository under the exclusive care and cust State of New York to:	a true copy thereof, enclosed in a post-paid
FRANCINE R.	RAMSAY
Sworn to before me this 19 th day of September, 2007	

ERIC JONATHAN BRESSLER
Notary Public, State of New York
No. 52-4622371
Qualified in Suffolk County
Commission Expires May 31. 19

Notary Public

Jankousky v. NFB et al Index No.: 08-CV-1858(PAC)

AFFIRMATION

EXHIBIT H 12/05/07 NOTICE OF RIGHT TO SUE EEOC Form 161-B (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE	OF RIGHT TO SUE (ISSUED ON REQUEST)

To:	Evelyn Jankousky 900 West 190 Street Apt. 7-C New York, NY 10040				
٠.					

From: New York District Office 33 Whitehall Street 5th Floor New York, NY 10004

•			
	On behalf of person(s) aggi CONFIDENTIAL (29 CFR §		
EEOC Charg	ge No.	EEOC Representative	Telephone No.
		Donna M. Walcott	
520-2007-	02866	Senior Investigator	(212) 336-3679
Nотісе то тн	IE PERSON AGGRIEVED:	(See also the a	dditional information enclosed with this form.)
under Title V he ADA mu	/II and/or the ADA based on the control of the cont	64 and/or the Americans with Disabilities Act (ADA in the above-numbered charge. It has been issued at state court WITHIN 90 DAYS of your receipt of the ling suit based on a state claim may be different.) The passed since the filing of this charge.	t your request. Your lawsuit under Title VII o
	Less than 180 days have be able to complete its a	e passed since the filing of this charge, but I have def dministrative processing within 180 days from the filing	termined that it is unlikely that the EEOC will g of this charge.
X	The EEOC is terminating	its processing of this charge.	
	The EEOC will continue	o process this charge.	
Age Discrim 00 days afte vour case:	nination in Employment A r you receive notice that w	act (ADEA): You may sue under the ADEA at any time have completed action on the charge. In this regard	e from 60 days after the charge was filed unti rd, the paragraph marked below applies to
	The EEOC is closing you 90 DAYS of your receip	r case. Therefore, your lawsuit under the ADEA must of this Notice. Otherwise, your right to sue based of	st be filed in federal or state court <u>WITHIN</u> on the above-numbered charge will be lost.
	The EEOC is continuing	its handling of your ADEA case. However, if 60 days	s have passed since the filing of the charge.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

you may file suit in federal or state court under the ADEA at this time.

On behalf of the Commission

Enclosures(s)

Spencer H. Lewis, Jr.
District Director

(Date Mailed)

cc: NORTH FORK BANK

Respondent's Attorney
Eric J. Bressler, Esq.
WICKHAM BRESSLER GORDON & GEASA, P.C.
13015 Main Road, P.O. Box 1424
Mattituck, Long Island

Charging Party Attorney
Maia Goodell, Esq.
VLADECK WALDMAN ELIAS & ENGELHARD, P.C.
1501 Broadway
New York, NY 10036

New York, 11952

Enclosure with EEOC Form 161-B (3/98)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court <u>under Federal law.</u>

If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge <u>within</u> <u>90 days</u> of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 – not 12/1/02 – in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do <u>not</u> relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

Jankousky v. NFB et al Index No.: 08-CV-1858(PAC)

AFFIRMATION

EXHIBIT I 8/1/07 NYS BANKING DEPARTMENT WEBPAGE

NEW YORK STATE BANKING DEPARTMENT WEEKLY BULLETIN

August 3, 2007

SECTION I

This section records the receipt of applications and notices to the Banking Department. Applications and notices received by the Foreign and Wholesale Banks, Community and Regional Banks and Licensed Financial Services Divisions are listed in order of date of receipt; applications and notices received by the Mortgage Banking Division are listed at the end of Section I by type of application or notice. THE WEEKLY BULLETIN CONSTITUTES THE ONLY WRITTEN NOTIFICATION OF THESE SUBMISSIONS THAT WILL BE ISSUED BY THE BANKING DEPARTMENT. Any comment on, or objection to, any item contained in this Weekly Bulletin should be presented to the Banking Department within 10 calendar days of the date of this bulletin, unless a different time period is specified in the item. More specifically, such comments or objections, including any that concern CRA-related applications, should be either (a) delivered by mail or in person to The Secretary of the New York State Banking Board, One State Street, New York, New York 10004-1417 before the stated deadline or (b) transmitted by e-mail to BBSecretary@banking.state.ny.us

This Weekly Bulletin may also be viewed online at the Banking Department's Web site at: http://www.banking.state.ny.us

SECTION II

This section records actions taken by the Superintendent of Banks and/or the Banking Board, and other information concerning the activities of the Banking Department. Actions relating to institutions supervised by the Foreign and Wholesale Banks, Community and Regional Banks and Licensed Financial Services Divisions are listed in order of date of action; actions relating to institutions supervised by the Mortgage Banking Division are listed at the end of Section II by type of action taken.

SECTION III

This section provides notification of the filing by federally-chartered institutions of applications for new branches to be located in New York received from Mr. Toney Bland, Deputy Comptroller, Office of the Comptroller of the Currency, 340 Madison Avenue, 5th Floor, New York, NY 10017 and Mr. Brian Steffey, Office of Thrift Supervision, Harborside Financial Center Plaza Five, Suite 1600, Jersey City, NJ 07311. Any comment or objection in relation to any application in Section III should be communicated immediately to the supervisor of the institution involved, with a copy furnished to this office. This section is provided as a courtesy to New York State-regulated banking institutions; additional information relating to federally-chartered institutions is available in the Office of the Comptroller of the Currency's Weekly Bulletin or its Web site: http://www.occ.treas.gov and via the Office of Thrift Supervision's Web site at: http://www.occ.treas.gov.

GENERAL INFORMATION

Each item in the Weekly Bulletin is identified by a two-letter code indicating the type of institution and a three-letter code indicating the Banking Department Division which has supervisory responsibility for the institution. The following is a list of the codes and their meanings:

August 2, 2007 (TR-CRB)

NORTH FORK BANK

245 Love Lane, Mattituck, NY 11952

North Fork Bank merged with, into and under the Charter of Capital One, N.A., New Orleans, Louisiana effective as of August 1, 2007.

Certificate issued to engage in the business as a Mortgage Broker under Article 12-D of the New York State Banking Law:

August 01, 2007 (BR-MBD)
Keystone of New York Mortgage, Inc.
80 Eighth Avenue, Suite 1402, Office 3, New York, NY 10011- 7159

Certificate issued to engage in the business as a Mortgage Broker Branch under Article 12-D of the New York State Banking Law:

August 01, 2007 (BR-MBD)
Full Service Branch
Citizens Financial Mortgage, Inc.
271 Route 46 West, Suite 103F, Fairfield, NJ 07004

August 01, 2007 (BR-MBD)
Full Service Branch
A-M-S Mortgage Services, Inc.
890 Easton Road, Horsham, PA 19044

August 01, 2007 (BR-MBD)
Full Service Branch
Paramount Equities Group, Inc.
161 Route 59, Suite 7, Top Floor, Suffern, NY 10901

August 01, 2007 (BR-MBD)
Full Service Branch
Viscard L.L.C. D/B/A The Best Mortgage Specialists
82-11 37th Avenue, Suite 404, Jackson Heights, NY 11371

License issued to engage in the business as a Mortgage Banker Branch under Article 12-D of the New York State Banking Law:

August 01, 2007 (MB-MBD)
Full Service Branch
Option One Mortgage Corporation
2700 Research Forest Drive, Suite 120, The Woodlands, TX 77381

Jankousky v. NFB et al Index No.: 08-CV-1858(PAC)

AFFIRMATION

EXHIBIT J NYS BANKING DEPARTMENT WEBSITE INFO REFLECTING MERGER

Home Search Site Map 2008 Weekly Bulletins 2007 Weekly Bulletins 2006 Weekly Bulletins 2005 Weekly Bulletins 2004 Weekly Bulletins 2003 Weekly Bulletins

State of New York Banking Department

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SECTION II

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SECTION III

This section provides notification of the filing by federally-chartered institutions of applications for new branches to be located in New York received from Mr. Fred D. Finke, Deputy Comptroller, Northeastern District, 1114 Avenue of the Americas, Suite 3900, New York, NY 10036 and Ms. Karen M. Cervera, Corporate Activities, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, NJ 07302. Any comment or objection in relation to any application in Section III should be communicated immediately to the supervisor of the institution involved, with a copy furnished to this office. This section is provided as a courtesy to New York State-regulated banking institutions; additional information relating to federally-chartered institutions is available in the Office of the Comptroller of the Currency's Weekly Bulletin or its Web site: http://www.occ.treas.gov and via the Office of Thrift Supervision's Web site at: http://www.ots.treas.gov.

GENERAL INFORMATION

Each item in the Weekly Bulletin is identified by a two-letter code indicating the type of institution and a three-letter code indicating the Banking Department Division which has supervisory responsibility for the institution. The following is a list of the codes and their meanings:

Institution Codes

NORTH FORK BANCORPORATION, INC.

275 Broadhollow Road, Melville, New York 11747

North Fork Bancorporation, Inc. merged with and into Capital One Financial Corporation, effective as of December 1, 2006.

April 20, 2007 (MS-CRB)

WILBER NATIONAL BANK

245 Main Street, Oneonta, NY 13820

Notification received, in accordance with Supervisory Policy G 8, of the establishment of a representative office to be located at 20 Solar Drive, Clifton Park, Saratoga County, NY 12065.

April 22, 2007 (CC-LFS)

ARMAT, LTD

203 West 28th Street, New York, NY 10001

Temporary license to conduct business as a commercial check casher under Article IX-A of the New York State Banking Law, extended. The temporary license is good for 30 days only, unless otherwise extended by the Superintendent of Banks.

April 22, 2007 (CC-LFS)

BUSH CAPITAL, LLC

889 4th Avenue, Brooklyn, NY 11232

Temporary license to conduct business as a commercial check casher under Article IX-A of the New York State Banking Law, extended. The temporary license is good for 30 days only, unless otherwise extended by the Superintendent of Banks.

April 22, 2007 (CC-LFS)

CONEY ISLAND PAYROLL SERVICES INC.

1122 Coney Island Avenue, Brooklyn, NY 11230

Temporary license to conduct business as a commercial check casher under Article IX-A of the New York State Banking Law, extended. The temporary license is good for 30 days only, unless otherwise extended by the Superintendent of Banks.

April 22, 2007 (CC-LFS)

MD CORPORATE SERVICES, INC.

470 Seventh Avenue, Suite 406, New York, NY 10018

Temporary license to conduct business as a commercial check casher under Article IX-A of the New York State Banking Law, extended. The temporary license is good for 30 days only, unless otherwise extended by the Superintendent of Banks.

April 22, 2007 (CC-LFS)

UNITED FACTORING, LLC

2972 Nostrand Avenue, Brooklyn, NY 11229

Temporary license to conduct business as a commercial check casher under Article IX-A of the New York State Banking Law, extended. The temporary license

UNITED STATES DISTRICT SOUTHERN DISTRICT OF		
EVELYN A. JANKOUSKY,	08 Civ. 1858 (PAC)	
	Plaintiff,	, , , , , , , , , , , , , , , , , , ,
- against – NORTH FORK BANCORPO CAPITAL ONE, FINANCIA ONE, NATIONAL ASSOCIA NORTH FORK BANK,	L CORP., CAPITAL	AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS FRCP 12(b)(6)
	Defendants.	
STATE OF NEW YORK)) ss:	
COUNTY OF SUFFOLK)	

Nancy Elia being duly sworn, deposes and says:

- 1. I am a Vice President and Assistant General Counsel of Capital One, N.A. and make this affidavit in support of the motion to dismiss the complaint. I have knowledge of the facts set forth herein.
- 2. North Fork Bank was a state chartered, federally insured bank organized and existing under the laws of the State of New York. In August, 2007 North Fork Bank was merged into Capital One, N.A., a national banking association. A certificate of merger is annexed hereto and incorporated herein as Exhibit A. Capital One, N.A. is the successor to North Fork Bank. Capital One, N.A. is a wholly owned subsidiary of Capital One Financial Corporation.
- 3. Capital One Financial Corporation is a Delaware Corporation and is not and was not in the business of banking. North Fork Bancorporation, Inc. was a Delaware Corporation and was not in the business of banking. North Fork Bank was a wholly owned subsidiary of North Fork Bancorporation, Inc. In December, 2006 North Fork Bancorporation was merged into

Capital One Financial Corporation. A certificate of merger is annexed hereto and incorporated herein as Exhibit B.

4. North Fork Bancorporation, Inc. is not a proper party defendant herein in that it no longer exists. Capital One Financial Corporation is not a proper party defendant herein in that the plaintiff had no relationship with North Fork Bancorporation, Inc. and therefore, no relationship with Capital One Financial Corporation, its successor by merger. Plaintiff's only relationship was that of an employee with North Fork Bank.

WHEREFORE, it is respectfully requested that the motion to dismiss be granted

Sworn to before me this 27th day of May, 2008.

INDIRA T. EDWARDS
Notacy Rublic - State of New York
No. 02ED6132895 Qualified in Nassau County

Jankousky v. NFB et al Index No.: 08-CV-1858(PAC)

AFFIDAVIT

EXHIBIT A 8/07 Certificate of Merger



Comptroller of the Currency Administrator of National Banks

Washington, DC 20219

CERTIFICATE

I, John C. Dugan, Comptroller of the Currency, do hereby certify that the document hereto attached is a true and complete copy of the certificate recorded in this Office, evidencing the Merger of "North Fork Bank," Mattituck, New York, into "Capital One, National Association," McLean, Virginia, (Charter No. 13688), effective as of August 1, 2007. The resulting bank title is "Capital One, National Association," McLean, Virginia, (Charter No. 13688).

IN TESTIMONY WHERE OF, I have hereunto subscribed my name and caused my seal of office to be affixed to these presents at the Treasury Department, in the City of Washington and District of Columbia, this 15th day of August, 2007.



Comptroller of the Currency



Comptroller of the Currency Administrator of National Banks

Northeastern District Office 340 Madison Avenue, 5th Floor New York, New York 10017-4613 Licensing Division

Telephone No.: (212)790-4055 Fax No.: (301)333-7015

July 30, 2007

Andres L. Navarrete Managing VP and Chief Counsel – Regulatory Capital One Financial Corporation 1680 Capital One Drive McLean, VA 22102

Re: Application to merger North Fork Bank, Mattituck, New York into Capital One, National Association, McLean, Virginia, under the charter and title of the latter. Application Control Numbers: 2006-NE-02-014

Dear Mr. Navarrete:

This letter is also the official certification of the OCC to merge North Fork Bank into Capital One, National Association, effective as of August 1, 2007. The resulting bank title is Capital One, National Association, charter number 13688.

This is also the official authorization given to Capital One, National Association to operate the branches of the target institution and the main office of the target institution as a branch. A listing of each newly authorized branch and its assigned OCC branch number is attached.

This letter is also the official OCC certification for Capital One, National Association to increase its surplus from \$7,111,102,507 to \$21,311,088,850, as of August 1, 2007.

If the combination does not occur as represented in your letter of June 18, 2007, this certification must be returned to the OCC.

Sincerely,

--Seal--

/ Sandya Residy
Acting Director for District Licensing

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COMPTROLLER OF THE CURRENCY EXISTING CORPORATE FILING
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COQFD207

CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP.REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

*** BRANCHES ***

MERGING CHARTER #: 013688 FDIC CERT #: TITLE: CAPITAL ONE, NATIONAL ASSOCIATION BRANCH COUNT: 340

WITHDRAWN DATE: TITLE: CARONDELET STREET
LOC STREET: 313 CARONDELET STREET
LOC CITY: NEW ORLEANS
COUNTY: 71 ORLEANS PARISH BRANCH: 140163A

FDIC CERT #: MERGING CHARTER #: TITLE: North Fork Bank

BRANCH: 136452A WITHDRAWN DATE: TITLE: 145TH STREET LOC STREET: 700 ST. NICHOLAS AVENUE LOC CITY: NEW YORK COUNTY: 61 NEW YORK COUNTY

BRANCH: 136453A WITHDRAWN DATE: TITLE: 176 BROADWAY LOC STREET: 176 BROADWAY LOC CITY: NEW YORK COUNTY: 5 BRONX COUNTY

136454A WITHDRAWN DATE: 231ST STREET - BRONX 185 WEST 231ST STREET BRANCH:

S BRONX COUNTY TITLE: 231ST E LOC STREET: 185 WES LOC CITY: BRONX COUNTY: 5 BE

136455A WITHDRAWN DATE: 23RD STREET 120 WEST 23RD STREET NEW YORK 61 NEW YORK COUNTY BRANCH: TITLE: LOC STREET: LOC CITY:

136456A WITHDRAWN DATE:
26TH & 6TH
100 WEST 26TH STREET
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61 NEW YORK COUNTY BRANCH: TITIE:

WITHDRAWN DATE: LOC STREET: LOC CITY: 1 COUNTY: BRANCH:

: 136457A WITHURAWN DP : 2ND & 10TH : 159 2ND AVENUE : NEW YORK COUNTY : 61 NEW YORK TITLE: LOC STREET: LOC CITY: 3

CONSUMMATION DATE:

STATE: LA ZIP: 70130-0000 LOCATION CLOSED (Y/N): N

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STATE: NY ZIP: 10031-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE:

STATE: NY ZIP: 10038-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

CONSUMMATION DATE:

STATE: NY ZIP: 10463-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 10011-0000 LOCATION CLOSED (Y/N): N STATE: NY ZIP: 10001-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE:

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STATE: NY ZIP: 10003-0000 LOCATION CLOSED (Y/N): N

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                                                     CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER
TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER
RESULTING BANK SHORT NAME: CAPITAL ONE NA
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45TH & 6TH
1166 AVENUE OF THE AMERICAS
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TITLE: 32ND & PARK
LOC STREET: 470 PARK AVENUE SOUTH
LOC CITY: NEW YORK
COUNTY: 61 NEW
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37TH STREET
1001 AVENUE OF THE AMERICAS
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TITLE: 45TH & 6TH
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TITLE: 34TH & 5TH
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TITLE: 34TH & ZND
LOC STREET: 245 EAST 34TH STREET
LOC CITY: NEW YORK
COUNTY: 61 NEW YORK COUNTY
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TITLE: 31ST & 7TH
LOC STREET: 370 SEVENTH AVENUE
LOC CITY: NEW YORK
COUNTY: 61 NEW YORK COUNTY
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CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE; CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

BRANCH: 136467A WITHDRAWN DATE: TITLE: 46TH STREET LOC STREET: 750 THIRD AVENUE (46TH STREET) LOC CITY: NEW YORK COUNTY: 61 NEW YORK COUNTY

WITHDRAWN DATE:

BRANCH: 136468A WITHDRAWN I TITLE: 48TH & 3RD LOC STREET: 770 THIRD AVENUE LOC CITY: NEW YORK COUNTY: 61 NEW YORK COUNTY

BRANCH: 136469A WITHDRAWN DATE: TITLE: 49TH & MADISON LOC STREET: 424 MADISON AVENUE LOC CITY: NEW YORK COUNTY: 61 NEW YORK COUNTY

WITHDRAWN DATE: 136470A WITHDRAWN DA 4TH & 6TH 347 SIXTH AVENUE NEW YORK 61 NEW YORK COUNTY BRANCH: 1 TITLE: 4 LOC STREET: 3 LOC CITY: N

136471A WITHDRAWN DATE: 50 COURT STREET - BROOKLYN 50 COURT STREET BRANCH: TITLE: LOC STREET:

47 KINGS COUNTY BROOKLYN LOC CITY: 1 : 136472A WITHDRAWN DATE: : 52ND STREET : 845 3RD AVENUE : NEW YORK COUNTY : 61 NEW YORK COUNTY BRANCH: 1 TITLE: 5 LOC STREET: 8 LOC CITY: N

WITHDRAWN DATE 643 LEXINGTON AVENUE 136473A WITHDR 54TH & LEXINGTON NEW YORK TITLE: 5
LOC STREET: 6
LOC CITY: N
COUNTY: BRANCH:

WITHDRAWN DATE: NEW YORK COUNTY SSTH & 2ND 1034 SECOND AVENUE 136474A 61 BRANCH: TITLE:

136475A WITHDRAWN DATE: 56TH & BROADWAY 1745 BROADWAY NEW YORK COUNTY LOC STREET: 1 LOC CITY: 1 COUNTY: TITLE: ELOC STREET: 1 LOC CITY: COUNTY: BRANCH:

NEW YORK 61 NEW YORK COUNTY

CONSUMMATION DATE:

STATE: NY ZIP: 10017-0000 LOCATION CLOSED (Y/N): N

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STATE: NY ZIP: 10014-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE: STATE: NY ZIP: 11201-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE: STATE: NY ZIP: 10022-0000 LOCATION CLOSED (Y/N): N

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STATE: NY ZIP: 10019-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

BRANCH: 136485A WITHDRAWN DATE:
TITLE: 777H STREET
LOC STREET: 1345 THIRD AVENUE (200 EAST 77TH STREET)
LOC CITY: NEW YORK
COUNTY: 61 NEW YORK COUNTY
LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11228-0000 LOCATION CLOSED (Y/N): N

BRANCH: 136484A WITHDRAWN DATE: TITLE: 74TH STREET - BROOKLYN LOC STREET: 74-01 13TH AVENUE LOC CITY: BROOKLYN COUNTY: 47 KINGS COUNTY

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CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

WITHDRAWN DATE: BRANCH: 136486A WITHDRAWN I TITLE: 86TH & 3RD LOC STREET: 1536 THIRD AVENUE LOC CITY: NEW YORK COUNTY: 61 NEW YORK COUNTY

BRANCH: 136487A. WITHDRAWN DATE: TITLE: 86TH SIREET - BROOKLYN LOC SIREET: 413 86TH SIREET LOC CITY: BROOKLYN COUNTY: 47 KINGS COUNTY

: 136488A WITHDRAWN DATE: : 91ST & BROADWAY : 2460 BROADWAY : NEW YORK COUNTY : 61 NEW YORK COUNTY BRANCH: 1 TITLE: 9 LOC STREET: 2 LOC CITY: N

136489A WITHDRAWN DATE: 95TH STREET - BROOKLYN 95-02 3RD AVENUE BROOKLYN 47 KINGS COUNTY BRANCH: 1 TITLE: 5 LOC STREET: 5 LOC CITY: E

136490A, WITHDRAWN DATE: ALBERTSON 983 WILLIS AVENUE ALBERTSON BRANCH: 1
TITLE: P
LOC STREET: 9
LOC CITY: P
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59 NASSAU COUNTY

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TITLE: AMAGANSETT
LOC STREET: 100 MONTAUK HIGHWAY
LOC CITY: AMAGANSETT
COUNTY: 103 SUFFOLK COUNTY

WITHDRAWN DATE: 136492A ASTORIA BRANCH: TITLE: I

30-98 STEINWAY STREET QUEENS COUNTY LOC CITY: ASTORIA COUNTY: 81 QUI

BRANCH: 136493A WITHDRAWN DATE:
TITLE: ASTORIA BROADWAY
LOC STREET: 31-17 BROADWAY
LOC CITY: ASTORIA
COUNTY: 81 QUEENS COUNTY

BRANCH: 136494A WITHDRAWN DATE: TITLE: ATLANTIC BEACH LOC STREET: 2025 PARK STREET LOC CITY: ATLANTIC BEACH COUNTY: 81 QUEENS COUNTY

CONSUMMATION DATE:

STATE: NY ZIP: 10028-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE: STATE: NY ZIP: 11209-0000 LOCATION CLOSED (Y/N): N

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STATE: NY ZIP: 11930-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE:

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STATE: NY ZIP: 11103-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE: STATE: NY ZIP: 11106-0000 LOCATION CLOSED (Y/N): N

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CONTROL #: 2006 NE 02 0014 FILLING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

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STATE: NY ZIP: 11358-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11223-0000 LOCATION CLOSED (Y/N): N

BRANCH: 136496A WITHDRAWN DATE: TITLE: AVENUE U - BROOKLYN LOC STREET: 179 AVENUE U LOC CITY: BROOKLYN COUNTY: 47 KINGS COUNTY

STATE: NY ZIP: 11229-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE:

STATE: NY ZIP: 11702-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE:

BRANCH: 136497A WITHDRAWN DATE: TITLE: AVENUE U16TH STREET LOC STREET: 1620 AVENUE U LOC CITY: BROOKLYN COUNTY: 47 KINGS COUNTY WITHDRAWN DATE: 136498A WITHDRAWN BABYLON
124 WEST MAIN STREET

BABYLON 103 SUFFOLK COUNTY

BRANCH: 1
TITLE: 1
LOC STREET: 1
LOC CITY: 1
COUNTY: 1

136499A WITHDRAWN DATE:
BAINBRIDGE
3159 BAINBRIDGE AVENUE
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5 BRONX
COUNTY BRANCH: 1 TITLE: H LOC STREET: 3 LOC CITY: 1 COUNTY:

STATE: NY ZIP: 10467-0000 LOCATION CLOSED (Y/N): N

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: 136500A WITHDRAWN DATE:
: BALDWIN NORTH
: 1800 GRAND AVENUE
: BALDWIN
: 59 NASSAU COUNTY TITLE: 1
LOC STREET:
LOC CITY:)
COUNTY:

BRANCH:

STATE: NY ZIP: 11510-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

136501A WITHDRAWN D.
BAR HARBOUR
4966 MERRICK ROAD
MASSAPROUA PARK
59 NASSAU COUNTY BRANCH: 1 TITLE: E LOC STREET: 4 LOC CITY: N

WITHDRAWN

: 136502A WITHDRAWN : BAY RIDGE : 7110 FIFTH AVENUE : BROOKLYN LOC STREET: 7
LOC CITY: E
COUNTY: BRANCH: TITLE:

LOC STREET: 211-47 26TH AVENUE
LOC STREET: 211-47 26TH AVENUE
LOC CITY: BAYSIDE
COUNTY: 81

STATE: NY ZIP: 11209-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11762-0000 LOCATION CLOSED (Y/N): N

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STATE: NY ZIP: 11360-0000 LOCATION CLOSED (Y/N): N

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CONTROL #: 2006 NE 02 0014 FILLING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

BRANCH: 136504A WITHDRAWN DATE: TITLE: BAYONNE SMKT
LOC STREET: 175 AVENUE A
LOC CITY: BAYONNE
COUNTY: 3 BERGEN COUNTY

BRANCH: 136505A WITHDRAWN DATE: TITLE: BAYSIDE MAIN
LOC STREET: 214-01 NORTHERN BOULEVARD
LOC CITY: BAYSIDE
COUNTY: 81 QUEENS COUNTY

BAYSIDE 81 QUEENS COUNTY

BRANCH: 136506A WITHDRAWN DAIE:
TITLE: BAYSIDE STATION
LOC STREET: 41-11 BELL BOULEVARD
LOC CITY: BAYSIDE
COUNTY: 81 QUEENS COUNTY

: 136507A WITHDRAWN DATE: : BELLEVILLE : 402 MAIN STREET : BELLEVILLE : 13 ESSEX COUNTY LOC STREET: 4
LOC CITY: 1
COUNTY: BRANCH:

136508A WITHDRAWN DATE: BENSONHURST 7120 NEW UTRECHT AVENUE BROOKLYN 47 KINGS COUNTY BRANCH: 1
TITLE: E
LOC STREET: 7
LOC CITY: E
COUNTY:

136509A WITHDRAWN DATE: BENSONHURST 86TH STREET 2150-54 86TH STREET BROOKLYN BRANCH: 1 TITLE: E LOC STREET: 2 LOC CITY: E

47 KINGS COUNTY

136510A WITHDRAWN DATE:
BERGEN & LAFAYETTE
106 MONTICELLO AVENUE
17 HUDSON COUNTY BRANCH: 1 TITLE: B LOC STREET: 1 LOC CITY: J

WITHDRAWN DATE: 136511A BETHPAGE BRANCH: TITLE: LOC STREET:

570 STEWART AVENUE BETHPAGE 59 NASSAU COUNTY LOC CLTY:

: 136512A WITHDRAWN DATE:
ELUE POINT
60 MONTAUK HIGHWAY
ELUE POINT
103 SUFFOLK COUNTY BRANCH: 1 TITLE: E LOC CITY:

CONSUMMATION DATE

STATE: NJ ZIP: 07702-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11361-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11361-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NJ ZIP: 07109-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE: STATE: NY ZIP: 11228-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11214-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NJ ZIP: 07304-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE: STATE: NY ZIP: 11714-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11715-0000 LOCATION CLOSED (Y/N): N

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CURRENCY	FILING
	EXISTING CORPORATE

CONTROL #: 2006 NE 02 0014 FILLING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

WITHDRAWN DATE:

BRANCH: 136513A WITHDRAWN D TITLE: BOHEWLA LOC STREET: 4525 SUNRISE HIGHWAY LOC CITY: BOHEWLA COUNTY: 103 SUFFOLK COUNTY

BRANCH: 136514A WITHDRAWN DATE: TITLE: BOHENIA AIRPORT LOC STREET: 4110 VETERANS MEMORIAL HIGHWAY LOC CITY: BOHENIA COUNTY: 103 SUFFOLK COUNTY

136515A WITHDRAWN DATE: BOONTON SMKT 550 MYRTLE AVENUE

BRANCH: 136515A
TITLE: BOONTON SI
LOC STREET: 550 MYPTL.
LOC CITY: BOONTON
COUNTY: 27 MORR

27 MORRIS COUNTY

BRANCH: 136516A WITHDRAN TITLE: BOROUGH PARK LOC STREET: 4612 13TH AVENUE LOC CITY: BROOKLYN COUNTY: 47 KINGS COUNTY

BRANCH: 136517A WITHDRAWN DATE: TITLE: BOUND BROOK SMKT STREET: 611 WEST UNION AVENUE SC CITY: BOUND BROOK

STATE: NJ ZIP: 08805-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

LOC STREET:
LOC CITY:
COUNTY:

TITLE: FLOC STREET: COUNTY: BRANCH:

136521A WITHDRAWN DATE: BROADWAY & B7TH 2379 BROADWAY

STATE: NY ZIP: 10024-0000 LOCATION CLOSED (Y/N): N

08/13/2007 15:29 PAGE: 11

COQFD207

STATE: NY ZIP: 11716-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE

CONSUMMATION DATE:

STATE: NY ZIP: 11716-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NJ ZIP: 07005-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11219-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

WITHDRAWN DATE:

TITLE:
LOC STREET:
LOC CITY:
COUNTY:

BRANCH: 136518A WITHDRAWN DATE: 35 SOMERSET COUNTY

BOWERY 116 BOWERY NEW YORK 61 NEW YORK COUNTY

STATE: NY ZIP: 10013-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NJ ZIP: 08876-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

: 136519A WITHDRAWN DATE: : BRANCHBURG SMKT : 3166 ROUTE 22 : SOMERVILLE : 35 SOMERSET COUNTY

BRANCH:

: 136520A WITHDRAWN DATE: : BRENTWOOD : 340 WASHINGTON AVENUE : BRENTWOOD : 103 SUFFOLK COUNTY

TITLE: LOC STREET: LOC CITY: COUNTY:

BRANCH: 1 TITLE: F LOC STREET: 2 LOC CITY: N

NEW YORK 61 NEW YORK COUNTY

STATE: NY ZIP: 11717-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

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COMPTROLLER	EXISTING

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CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP REORG (APPIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

WITHDRAWN DATE: BRANCH: 136522A WITHDRAW ITILE: BRONXVILLE LOC STREET: 151 PARKWAY ROAD LOC CITY: BRONXVILLE COUNTY: 5 BRONX COUNTY

STATE: NY ZIP: 10708-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

CONSUMMATION DATE:

BRANCH: 136523A WITHDRAWN DATE: TITLE: BUHRE AVENUE LOC STREET: 3049 BUHRE AVENUE LOC CITY: BRONX COUNTY: 5 BRONX COUNTY

STATE: NY ZIP: 10461-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

BRANCH: 136524A WITHDRAWN DAIE: TITLE: CAMBRIDGE SQUARE LOC STREET: 280 ROUTE 9 NORTH & UNION HILL ROAD LOC CITY: MORGANVILLE COUNTY: 25 MONMOUTH COUNTY

STATE: NJ ZIP: 07751-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

WITHDRAWN DATE:

BRANCH: 136525A WITHDRAWN DA TITLE: CANARSIE STREET: 1425 ROCKAWAY PARKWAY OC CITY: BROOKLYN COUNTY: 47 KINGS COUNTY IITLE: C LOC STREET: 1 LOC CITY: E COUNTY:

STATE: NY ZIP: 11236-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

TITLE: LOC STREET:

STATE: NY ZIP: 11514-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NJ ZIP: 07008-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE

WITHDRAWN DATE: CATERET 785 ROOSEVELT AVENUE BRANCH: 136527A TITLE: CATERET LOC STREET: 785 ROOSEV LOC CITY: CARTERET COUNTY: 23 MIDDI

136528A WITHDRAWN DATE: 23 MIDDLESEX COUNTY

BRANCH:

TITLE: CENTER MORICHES
OC STREET: 500 MAIN STREET
LOC CITY: MORICHES
COUNTY: 103 SUFFOLK COUNTY TITLE: LOC STREET:

STATE: NY ZIP: 11934-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

WITHDRAWN DATE: CENTERBACH. 2100 MIDDLE COUNTRY ROAD 136529A

CENTEREACH 103 SUFFOLK COUNTY BRANCH: 1 TITLE: C LOC STREET: 2 LOC CITY: C

BRANCH: 136530A WITHDRAWN DATE: TITLE: CENTRAL AVENUE LOC STREET: 357 CENTRAL AVENUE LOC CITY: JERGEY CITY COUNTY: 17 HUDSON COUNTY

CONSUMMATION DATE:

STATE: NY ZIP: 11720-0000 LOCATION CLOSED (Y/N): N

STATE: NJ ZIP: 07307-0000 LOCATION CLOSED (Y/N): N

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COMPTROLLER OF THE CURRENCY EXISTING CORPORATE FILLING

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STATE: NY ZIP: 11725-0000
LOCATION CLOSED (Y/N): N
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LOCATION CLOSED (Y/N): N
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LOCATION CLOSED (Y/N): N
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LOCATION CLOSED (Y/N): N
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LOCATION CLOSED (Y/N): N
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CONTROL #: 2006 NE 02 0014 FILLING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA
                                                                     BRANCH: 136531A WITHDRAWN DATE:
TITLE: CLEARVIEW
LOC STREET: 20-02 FRANCIS LEWIS BOULEVARD
LOC CITY: WHITESTONE
COUNTY: 81 QUEENS COUNTY
                                                                   WITHDRAWN DATE:
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TITLE: CLIFTON
LOC STREET: 11 ACKERMAN AVENUE
LOC CITY: CLIFTON
COUNTY: 31 PASSALC COUNTY
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CO-OP CITY
725 CO-OP CITY BOULEVARD
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356 MIDDLE COUNTRY ROAD
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COMMACK EAST
1174 JERICHO TURNPIKE
COMMACK
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COMMACK WEST
6080 JERICHO TURNPIKE
COMMACK
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2050 JERICHO TURNPIKE
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LOC STREET: 356 MIDDLE COUNTRY 1
LOC CITY: CORAM
COUNTY: 103 SUFFOLK COUNTY
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400 DEMAREST AVENUE
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TITLE: COLLEGE POINT
LOC STREET: 122-03 14TH AVENUE
LOC CITY: COLLEGE POINT
COUNTY: 81 QUEENS COUNTY
                                                                                                                                                                                                                                                                               ERANCH: 136533A WITHDRAWN
TITLE: CLOSTER SMKT
LOC STREET: 400 DEWAREST AVENUI
LOC CITY: CLOSTER
COUNTY: 3 BERGEN COUNTY
                                                                                                                                                                                                                                                                                                                                                                                                                                                         5 BRONX COUNTY
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103 SUF
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TITLE: CO-OP C
LOC STREET: 725 CO-
LOC CITY: BRONX
COUNTY: 5 BF
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LOC STREET:
LOC CITY: (
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TITLE: C
LOC STREET: 2
LOC CITY: C
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TITLE: C
LOC STREET: 1
LOC CITY: C
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COMPTROLLER OF THE CURREN	EXISTING CORPORATE FILING	
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PAGE		ATE:	231-0000 (): N	ATE:
	verger Verger	CONSUMMATION DATE:	STATE: NY ZIP: 11231-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:
EXISTING CORPORATE FILING	CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA	TITLE: COURT STREET BROOKLYN	LOC STREET: 420 COURT SIREET LOC CITY: BROOKLYN COUNTY: 47 KINGS COUNTY	TOTAL MATHEMENT DAME.
COCEDED	CONTROL #: TRANS TYPE: (RESULTING BA	BRANCH	LOC STREET LOC CITY COUNTY	HUNKAR

SIMILE: MI DIE: LIEST COOR LOCATION CLOSED (Y/N) : N	CONSUMMATION DATE: STATE: NY ZIP: 11935-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NY ZIP: 10208-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NY ZIP: 11729-0000 LOCATION CLOSED (Y/N): N
	DATE:	DATE:	DATE:
s county	136541A WITHDRAWN DATE: CUTCHOGUE 28200 MAIN ROAD CUTCHOGUE 103 SUFFOLK COUNTY	136542A WITHDRAWN DATE: CYPRESS HILLS 3345 FULTON STREET BROOKLYN 47 KINGS COUNTY	BRANCH: 136543A WITHDRAWN DATE: TITLE: DEER PARK NFB PLAZA STREET: 375 COMMACK ROAD C CITY: DEER PARK COUNTY: 103 SUFFOLK COUNTY
C CITY: BROOKLYN COUNTY: 47 KINGS COUNTY	BRANCH: 136541A WITHDI TITLE: CUTCHOGUE STREET: 28200 MAIN ROAD C CITY: CUTCHOGUE COUNTY: 103 SUFFOLK COI	BRANCH: 136542A WITHDRAN TITLE: CYPRESS HILLS STREET: 3345 FULTON STREET C CITY: BROOKLYN COUNTY: 47 KINGS COUNTY	136543A WITHDRADER PARK NFB FLANDS 375 COMMACK ROAD DEER PARK 103 SUFFOLK COUNTY
LOC CITY: BROOKLYN COUNTY: 47 KING	BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	BRANCH: 136542A TITLE: CYPRESS I LOC STREET: 3345 FUL: LOC CITY: BROOKLYN COUNTY: 47 KIN	BRANCH: ILTLE: LOC STREET: LOC CITY: COUNTY:

CONSUMMATION DATE: STATE: NY ZIP: 11729-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NY ZIP: 11729-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NY ZIP: 11729-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NY ZIP: 11105-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NJ ZIP: 07628-0000 LOCATION CLOSED (Y/N): N
BRANCH: 136544A WITHDRAWN DATE: TITLE: DEER PARK NORTH REWOTE DRIVE UP STREET: 2080 DEER PARK AVENUE COLITY: NEW YORK COLINY: 103 SUBFOLK COUNTY	13654 DEER 2087 DEER 103	: 136546A WITHDRAWN DATE: : DEER PARK SOUTH : 1831 DEER PARK AVENUE : DEER PARK : 103 SUFFOLK COUNTY	: 136547A WITHDRAWN DATE: : DITWARS BOULEVARD : 22-04 31ST STREET : ASTORIA : 81 QUEENS COUNTY	: 136548A WITHDRAWN DATE: : DUMONT SMKT : 20 WASHINGTON AVENUE : DUMONT : 3 BERGEN COUNTY
BRANCH: TITLE: LOC STREET: LOC CITY:	BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:

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08/13/2007 15:29 PAGE: 15		CONSUMMATION DATE: : NJ ZIP: 08816-0000 ON CLOSED (Y/N); N	CONSUMMATION DATE: : NY ZIP: 11937-0000 ON CLOSED (Y/N): N	CONSUMMATION DATE: NJ ZIP: 07936-0000 ON CLOSED (Y/N): N	CONSUMMATION DATE: : NY ZIP: 11554-0000 DN CLOSED (Y/N): N	CONSUMMATION DATE: : NY ZIP: 11940-0000 ON CLOSED (Y/N): N	CONSUMMATION DATE: NY ZIP: 11731-0000 ON CLOSED (Y/N): N
E CURRENCY TE FILING	Merger Merger	CONSUMMATION DATE: STATE: NJ ZIP: 08816- LOCATION CLOSED (Y/N): N	CONSUMMATION DATE STATE: NY ZIP: 11937 LOCATION CLOSED (Y/N):	CONSUMMATION DAIR STATE: NJ ZIP: 07936 LOCATION CLOSED (Y/N):	CONSUMMATION DATE STATE: NY ZIP: 11554 LOCATION CLOSED (Y/N):	CONSUMMATION DATE STATE: NY ZIP: 1194(LOCATION CLOSED (Y/N):	CONSUMMATION DAT STATE: NY ZIP: 1173 LOCATION CLOSED (V/N):
COMPTROLLER OF THE CEXISTING CORPORATE	FILING TYPE: IL MERGER) FORM: CAPITAL ONE NA	DATE: TY	DATE:	DATE:	DATE:	DATE:	DATE: D
COMPTRO	CORP REORG (AFFIL MERGER) ANY SHORT NAME: CAPITAL ON	136549A WITHDRAWN DATE: EAST BRUNSWICK SMKT 647 ROUTE 18 BRUNSWICK 23 MIDDLESEK COUNTY	136550A MITHDRAWN DATE: EAST HAMPTON 40 NEWTON LANE EAST HAMPTON 103 SUFFOLK COUNTY	136551A WITHDRAWN DATE EAST HANOVER 366 ROUTE 10 W EAST HANOVER 27 MORRIS COUNTY	136552A WITHDRAWN DATE: EAST MEADOW 369 MERRICK AVENUE EAST MEADOW 59 NASSAU COUNTY	13653A MITHDRAWN DATE; EAST MORICHES 481 MONTAUK HIGHWAY EAST MORICHES 103 SUFFOLK COUNTY	136554A WITHDRAWN DATE: EAST NORTHPORT 291B CLAY PITTS ROAD EAST NORTHPORT 103 SUFFOLK COUNTY
COQFD207	CONTROL #: 2006 NE 02 0014 TRANS TYPE: CORP REORG (AFF RESULTING BANK SHORT NAME:	BRANCH: 1 TITLE: E LOC STREET: 6 LOC CITY: E COUNTY:	BRANCH: 1 TITLE: E LOC STREET: 4 LOC CITY: E COUNTY: 1	BRANCH: 1 TITLE: E LOC STREET: 3 LOC CITY: E COUNTY:	BRANCH: 1 TITLE: E LOC STREET: 3 LOC CITY: E	BRANCH: 1 TITLE: E LOC STREET: 4 LOC CITY: E COUNTY: 1	BRANCH: 1 TITLE: B LOC STREET: 2 LOC CITY: B COUNTY: 1

STATE: NY ZIP: 11518-0000 LOCATION CLOSED (Y/N): N

: 136556A WITHDRAWN DATE:
: BAST ROCKAWNY
: 115 MAIN STREET
: EAST ROCKAWNY
: 59 NASSAU COUNTY

BRANCH: 1 TITLE: E LOC STREET: 1 LOC CITY: E

CONSUMMATION DATE:

STATE: NY ZIP: 11942-0000 LOCATION CLOSED (Y/N): N

BRANCH: 136555A WITHDRAWN DATE: TITLE: EAST QUOGUE LOC STREET: 528 MONTAUK HIGHWAY LOC CITY: EAST QUOGUE COUNTY: 103 SUFFOLK COUNTY

CONSUMMATION DATE:

CONSUMMATION DATE:

STATE: NY ZIP: 11733-0000 LOCATION CLOSED (Y/N): N

BRANCH: 136557A WITHDRAWN DATE: TITLE: EAST SETAUKET LOC STREET: 61 ROUTE 25A LOC CITY: EAST SETAUKET COUNTY: 103 SUFFOLK COUNTY

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CONSUMMATION DATE:

CONTROL #: 2006 NE 02 0014 FILLING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

BRANCH: 136558A WITHDRAWN DATE:
TITLE: EAST WINDSOR
LOC STREET: 319 ROUTE 130 NORTH
LOC CITY: EAST WINDSOR
COUNTY: 21 MERCER COUNTX

STATE: NJ ZIP: 08520-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

BRANCH: 136559A WITHDRAWN DATE:

TITLE: RASICHESTER
LOC STREET: 726 WHITE PLAINS ROAD
LOC CITY: SCARSDALE
COUNTY: 119 WESTCHESTER COUNTY

STATE: NY ZIP: 10583-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NJ ZIP: 07020-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

WITHDRAWN DATE: BRANCH:

136560A WITHDE EDGEWATER 453 RIVER ROAD EDGEWATER

3 BERGEN COUNTY LOC STREET: LOC CITY: COUNTY:

136561A WITHDRAWN DATE: EDISON 775 ROUTE 1 BRANCH:

23 MIDDLESEX COUNTY EDISON TITLE: LOC STREET: LOC CITY: COUNTY:

136562A WITHDRAWN DATE: ELMHURST 86-10 ROOSEVELT AVENUE ELMHURST

81 QUEENS COUNTY BRANCH: 1 TITLE: B LOC STREET: E LOC CITY: I

136563A WITHDRAWN DATE: ELMONT

620 HEMPSTEAD TURNPIKE ELMONT BRANCH: 1 TITLE: 1 LOC STREET: 6 LOC CITY: 1 COUNTY:

59 NASSAU COUNTY

BRANCH: 136564A WITHDRAWN DATE: TITLE: ENGLEWOOD PALISADES LOC STREET: 44 WATHANIEL PLACE LOC CITY: ENGLEWOOD COUNTY: 3 BERGEN COUNTY

: 136565A WITHDRAWN DATE: : BVERGREEN : 1508 GREAVES LANE : TATEN ISLAND : 85 RICHMOND COUNTY TITLE: LOC STREET: LOC CITY: COUNTY: BRANCH:

BRANCH: 136566A WITHDRAWN DATE: TITLE: FAIR LAWN LOC STREET: 24-02A FAIR LAWN AVENUE LOC CITY: FAIR LAWN COUNTY: 3 BERGEN COUNTX

STATE: NJ ZIP: 07410-0000 LOCATION CLOSED (Y/N): N

STATE: NJ ZIP: 08817-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11373-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11003-0000 LOCATION CLOSED (Y/N): N

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STATE: NJ ZIP: 07631-0000 LOCATION CLOSED (Y/N): N

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STATE: NY ZIP: 10308-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

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BEANCH: 136573A WITHDRAWN DATE:
TITLE: FLATBUSH WEST
LOC STREET: 927 FLATBUSH AVENUE (BETWEEN CHURCH & SNYDER)
LOC CITY: BROOKLYN
COUNTY: 47 KINGS COUNTY
LOCATION CLOSED (Y/N): N

STATE: NY ZIP: 10552-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

CONSUMMATION DATE:

STATE: NY ZIP: 11365-0000 LOCATION CLOSED (Y/N): N

BRANCH: 136575A WITHDRAWN DATE: TITLE: FLUSHING LOC STREET: 69-09 164TH STREET LOC CITY: FLUSHING COUNTY: 81 QUEENS COUNTY

BRANCH: 136574A WITHDRAWN DATE: TITLE: FLEETWOOD LOC STREET: 510 GRAWADAN AVENUE LOC CITY: MT. VERNON COUNTY: 119 WESTCHESTER COUNTY

OMPTROLLER OF THE CURRENCY 08/13/2007 EXISTING CORPORATE FILING PAGE	TYPE: MERGER FORM: MERGER E NA	CONSUMMATION DATE: STATE: NJ ZIP: 07004-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NY ZIP: 11691-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NY ZIP: 11691-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NY ZIP: 11735-0000 LOCATION CLOSED (Y/N): N	STREET) CONSUMMATION DATE: STREET STATE: NY ZIP: 10018-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NY ZIP: 11203-0000
COMPTROLLER OF THE EXISTING CORPORATE	CONTROL #: 2006 NE 02 0014 FILLING TYP TRANS TYPE: CORP REORG (AFFIL MERGER) FOR RESULTING BANK SHORT NAME: CAPITAL ONE NA	136567A WITHDRAMN DATE FAIRFIELD 110 ROUTE 46 FAIRFIELD 13 ESSEX COUNTY	136568A WITHDRAWN DATE: PAR ROCKAWAY 20-10 MOTT AVENUE PAR ROCKAWAY 81 QUEENS COUNTY	136569A WITHDRAWN DATE: FAR ROCKAWAY GPT 17-39 SEAGIRT BOULEVARD FAR ROCKAWAY 81 QUEENS COUNTY	: 136570A WITHDRAWN DATE: : FARMINGDALE : 312 CONKLIN STREET : FARMINGDALE : 59 NASSAU COUNTY	136571A WITHDRAWN D FIFTH AVENUE 404 5TH AVENUE (37TH NEW YORK 61 NEW YORK COUNTY	: 136572A WITHDRAWN DAIE: : FLATBUSH : 5102 CHURCH AVENUE : BROOKLYN
COQFD207	CONTROL #: 2 TRANS TYPE: C RESULTING BAN	BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	BRANCH: TITLE: LOC STREET: LOC CITY: COUNIY:	BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	BRANCH: TITLE: LOC STREET: LOC CITY:

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ERGER CONSUMMATION DATE:	STATE: NY ZIP: 11355-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NY ZIP: 11365-0000 LOCATION CLOSED (Y/N): N
IRANS 11FE: CORF KEOKG (AFFLL MERGER) FURM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA BRANCH: 136576A WITHDRAWN DATE:	LOC STRET: \$1-60 MAIN LOC CITY: \$1-60 MAIN STREET LOC CITY: FLUSHING COUNTY: 81 QUEENS COUNTY	BRANCH: 136577A WITHDRAWN DATE: TITLE: FLUSHING-PARSONS	LOC SIREEL: 70-09 PARSONS BOULEVARD LOC CITY: FLUSHING COUNTY: 81 QUEENS COUNTY

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BRANCH: 136578A WITHDRAWN DATE:	BRANCH: 136579A WITHDRAWN DATE:
TITLE: FLUSHING-ROOSEVELT	TITLE: FLUSHING-UNION
LOC STREET: 136-21 ROOSEVELT AVENUE	LOC STREET: 29-40 UNION STREET
LOC CITY: FLUSHING	LOC CITY: FLUSHING
COUNTY: 81 QUEENS COUNTY	COUNTY: 81 QUEENS COUNTY
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LOC CITY:	LOC CITY:
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	FLUSHING-UNION	29-40 UNION STREET	ENG ENG	QUEENS	
136579A	FLUSH	29-40	FLUSHING	81	
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LOC STREET: 29-40 UNION STREET	29-40 UNIO	N STREET
LOC CITY: FLUSHING	FLUSHING	
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136580A WITHDRAWN DATE:	FORDHAM ROAD	151 EAST FORDHAM ROAD	BRONX	5 BRONX COUNTY
BRANCH:	TITLE:	LOC STREET:	LOC CITY:	COUNTY:

6581A WITHDRAWN DATE:	TITLE: FOREST HILLS	LOC STREET: 107-18 CONTINENTAL AVENUE	DREST HILLS	S RECNY COTINETY
BRANCH: 136581A	TITLE: FO	LOC STREET: 10	LOC CITY: FOREST HILLS	COLDINA

	DATE:
EST HILLS BRONX COUNTY	WITHDRAWN DATE:
LOC CITY: FOREST HILLS COUNTY: 5 BRONX C	136582A
LOC CITY:	BRANCH:

STATE: NY ZIP: 11375-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 10468-0000 LOCATION CLOSED (Y/N): N

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STATE: NJ ZIP: 07024-0000 LOCATION CLOSED (Y/N): N

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BERGEN COUNTY	3 BERG	COUNTY:
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	FORT LEE	TITLE
AND HOLLIN	135562A	BRANCH

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Tabwara C	136583A W. FORT SALONG
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SUFFOLK COUNTY	WITHDRAWN
103 SUFF	136584A FRANKLIN
COUNTY:	BRANCH: TITLE:

DATE:			
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BRANCH: TITLE:	LOC STREET:	LOC CITY:	COUNTY:

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STATE: NY

STATE: NY ZIP: 11768-0000 LOCATION CLOSED (Y/N): N

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STATE: NY ZIP: 10605-0000 LOCATION CLOSED (Y/N): N

BRANCH: 136593A WITHDRAWN DATE: TITLE: GEDNEY WAY LOC STREET: 70 GEDNEY WAY LOC CITY: WHITE PLAINS COUNTY: 119 WESTCHESTER COUNTY

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CONTROL #: 2006 NE 02 0014 FILING TYPE: TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: RESULTING BANK SHORT NAME: CAPITAL ONE NA	BRANCH: 136585A WITHDRAWN DATE: TITLE: FRANKLIN LAKES LOC STREET: 840 FRANKLIN AVENUE LOC CITY: FRANKLIN LAKES COUNTY: 3 BERGEN COUNTY	BRANCH: 136586A WITHDRAWN DATE: TITLE: FRANKLIN TOWNSHIP LOC STREET: 3391 ROUTE 27 SOUTH, SULTE 104 LOC CITY: FRANKLIN PARK COUNTY: 41 WARREN COUNTY	BRANCH: 136587A WITHDRAWN DATE: TITLE: FREEHOLD LOC STREET: 146 SOUTH STREET (ROUTE 33 & F LOC CITY: FREEHOLD COUNTY: 25 MONNOUTH COUNTY	BRANCH: 136588A WITHDRAWN DATE: TITLE: FRESH MEADOWS LOC STREET: 61-24 188TH STREET FLUSHING LOC CITY: FLUSHING COUNTY: 81 QUEENS COUNTY	BRANCH: 136589A WITHDRAWN DATE: TITLE: FRESH POND ROAD LOC STREET: 67-09 FRESH POND ROAD LOC CITY: RIDGEWOOD COUNTY: 3 BERGEN COUNTY	BRANCH: 136590A WITHDRAWN DATE: TITLE: FULTON STREET LOC STREET: 356 FULTON STREET LOC CITY: BROOKLYN COUNTY: 47 KINGS COUNTY	BRANCH: 136591A WITHDRAWN DATE: TITLE: GARDEN CITY LOC STREET: 877 STEWART AVENUE LOC CITY: GARDEN CITY COUNTY: 59 NASSAU COUNTY	BRANCH: 136592A WITHDRAWN DATE: TITLE: GARDEN CITY 7TH STREET LOC STREET: 118 7TH STREET LOC CITY: GARDEN CITY COUNTY: 59 NASSAU COUNTY

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STATE: NY ZIP: 11021-0000 LOCATION CLOSED (Y/N): N
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TITLE: GREAT NECK CUTTER MILL
LOC STREET; 60 CUTTER MILL ROAD
LOC CITY: GREAT NECK
COUNTY: 59 NASSAU COUNTY
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TITLE: GREAT NECK OLD TOWN
LOC STREET: 540 MIDDLE NECK ROAD
LOC CITY: GREAT NECK
COUNTY: 59 NASSAU COUNTY
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IIIIIE: GRAND CENTRAL
LOC STREET: 109 BAST 42ND STREET
LOC CITY: NEW YORK
COUNTY: 61 NEW YORK COUNTY
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TITLE: GREAT NECK 1010
LOC STREET: 1010 NORTHERN BOULEVARD
LOC CITY: GREAT NECK
COUNTY: 59 NASSAU COUNTY
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TITLE: GLEN OAKS
LOC STREET: 252-25 UNION TURNFIKE
LOC CITY: BELLEROSE
COUNTY: 81 QUEENS COUNTY
                                                                                                                                                                                                                                                                                                                                                                                                       TITLE: GLENDALE
LOC STREET: 70-24 MYRTLE AVENUE
LOC CITY: GLENDALE
COUNTY: 81 QUEENS COUNTY
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LOC STREET: 115 FOREST AVENUE
LOC CITY: GLEN COVE
COUNTY: 59 NASSAU COUNTY
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STATE: NY ZIP: 11542-0000 LOCATION CLOSED (Y/N): N

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136601A WITHDRAWN DATE:
GREAT NECK VILLAGE
121 MIDDLE NECK ROAD
GREAT WECK
59 NASSAU COUNTY INTLE: G LOC STREET: 1 LOC CITY: G COUNTY: BRANCH:

WITHDRAWN DATE: BRANCH: 136602A WITHDRAWN
TITLE: GREENLAWN
LOC SITMET: 739 PULASKI ROAD
LOC CITY: GREENLAWN
COUNTY: 103 SUFFOLK COUNTY

STATE: NY ZIP: 11740-0000 LOCATION CLOSED (Y/N): N

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COMPTROLLER OF THE CURRENC EXISTING CORPORATE FILING	FILLING TYPE: FIL MERGER) FORM: CAPITAL ONE NA	136603A WITHDRAWN DATE: GREENPOINT 807 MANHATTAN AVENUE BROOKLYN 47 KINGS COUNTY	136604A WITHDRAWN DATE: GREENPORT 230 MAIN STREET GREENPORT 103 SUFFOLK COUNTY	136605A WITHDRAWN DATE: GREENVILLE 165 OCEAN AVENUE JERSEY CITY 17 HUDSON COUNTY	136606A WITHDRAWN DATE: HACKENSACK 450 HACKENSACK AVENUE HACKENSACK 3 BERGEN COUNTY	136607A WITHDRAWN DATE: HACKENSACK SMKT 500 SOUTH RIVER ROAD HACKENSACK 3 BERGEN COUNTY	136608A WITHDRAWN DATE: HAMPTON BAYS 95 EAST MONTAUK HIGHWAY HAMPTON BAYS 103 SUFFOLK COUNTY	136609A WITHDRAWN DATE: HARLEN 2310 FREDERICK DOUGLAS BOULEVARD NEW YORK 61 NEW YORK	136610A WITHDRAWN DATE: HASBROUCK HEIGHTS 459D ROUTE 17 SOUTH HASBROUCK HEIGHTS 3 BERGEN COUNTY	136611A WITHDRAWN DATE: HAUPPAUGE 347 99 SMITHTOWN BYPASS HAUPPAUGE 103 SUFFOLK COUNTY
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COMPTROLLER OF THE CURRENCY EXISTING CORPORATE FILING
                                                CONTROL #: 2006 NE 02 0014 FILLING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA
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HTCKSVILLE BROADWAY
190 BROADWAY
HTCKSVILLE
59 NASSAU COUNTY
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: HOBOKEN SMKT

: 940 MADISON STREET

: HOBOKEN

: 17 HUDSON COUNTY
                                                                                                                    BRANCH: 136612A WITHDRAWN DATE:
TITLE: HAUPPAUGE INDUSTRIAL PARK
LOC STREEF: 120 COMMERCE DRIVE
LOC CITY: HAUPPAUGE
COUNTY: 103 SUFFOLK COUNTY
                                                                                                                                                                                                                         BRANCH: 136613A WITHDRAWN DATE:
TITLE: HEMPOTRAD AVENUE
LOC STREET: 255 HEMPOTRAD AVENUE.
LOC CITY: WEST HEMPOTRAD
COUNTY: 59 NASSAU COUNTY
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    BRANCH: 136617A WITHDRAWN DATE:
TITLE: HILLSIDE AVENUE
LOC STREET: 257-03 HILLSIDE AVENUE
LOC CITY: FLORAL PARK
COUNTY: 81 QUEENS COUNTY
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1295 BROADWAY
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CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

WITHDRAWN DATE:

BRANCH: 136621A WITHDRAWN DAT TITLE: HOLLIS LOC STREET: 204-12 HILLSIDE AVENUE LOC CITY: HOLLIS COUNTY: 81 QUEENS COUNTY

STATE: NY ZIP: 11423-0000 LOCATION CLOSED (Y/N): N

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BRANCH: 136622A WITHDRAWN DATE:
TITLE: HORACE HARDING
LOC STREET: 198-29 HORACE HARDING EXPRESSWAY
LOC CITY: FLUSHING
COUNTY: 81 QUEENS COUNTY

STATE: NY ZIP: 11365-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

BRANCH: 136623A WITHDRAWN DATE:
TITLE: HOWARD BEACH
LOC STREET: 155-14 CROSS BAY BOULEVARD
LOC CITY: HOWARD BEACH
COUNTY: 81 QUEENS COUNTY

STATE: NY ZIP: 11414-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE:

BRANCH: 136624A WITHDRAWN DATE: TITLE: HUNTINGTON EAST LOC STREET: 155 EAST MAIN STREET LOC CITY: HUNTINGTON COUNTY: 103 SUPFOLK COUNTY

STATE: NY ZIP: 11743-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

136625A MITHDRAWN DATE:
HUNTINGTON STATION
1572 NEW YORK AVENUE
HUNTINGTON STATION
103 SUFFOLK COUNTY BRANCH: TITLE: LOC STREET:

LOC CITY:

STATE: NY ZIP: 11746-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

: 136626A WITHDRAWN DATE:
HUNTINGTON VILLAGE
1 250 NEW YORK AVENUE
HUNTINGTON
103 SUFFOLK COUNTY BRANCH: TITLE:

LOC STREET: 2 LOC CITY: H COUNTY: 1

STATE: NY ZIP: 11743-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

BRANCH:

136627A WITHDRAWN DATE: HUNTS POINT 800 FOOD CENTER DRIVE UNIT 35A TITLE: HUNTS I
LOC STREET: 800 FOC
LOC CITY: BRONX
COUNTY: 5 BE

WITHDRAWN DATE: 5 BRONX COUNTY 136628A BRANCH:

HYLAND BOULEVARD 2083 HYLAND BOULEVARD STATEN ISLAND 85 RICHMOND COUNTY TITLE: I LOC STREET: LOC CITY: COUNTY:

136629A WITHDRAWN DATE: BRANCH: TITLE:

290 MAIN STREET ISLIP 103 SUFFOLK COUNTY LOC STREET: LOC CITY: COUNTY:

STATE: NY ZIP: 11751-0000 LOCATION CLOSED (Y/N): N

STATE: NY ZIP: 10306-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 10378-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

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CONSUM		RRANCH 136630A WITHDRAWN DATE:	
		RESULTING BANK SHORT NAME: CAPITAL ONE NA	
	MERGER	TRANS TYPE: CORP. REORG (AFFIL MERGER) FORM: MERGER	
	MERGER	CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER	

CONSUMMATION DATE:	CONSUMMATION DATE:	CONSUMMATION DATE:
STATE: NY ZIP: 11372-0000	STATE: NY ZIP: 11432-0000	STATE: NY ZIP: 11947-0000
LOCATION CLOSED (Y/N): N	LOCATION CLOSED (Y/N): N	LOCATION CLOSED (Y/N): N
BRANCH: 136630A WITHDRAWN DATE:	BRANCH: 136631A WITHDRAWN DATE:	BRANCH: 136632A WITHDRAWN DATE:
TITLE: JACKSON HEIGHTS 37TH AVENUE	TITLE: JAMAICA	TITLE: JAMESPORT
LOC STREET: 82-18 37TH AVENUE	LOC STREET: 161-01 JAMAICA AVENUE	LOC STREET: WALN ROAD JAMESPORT
LOC CITY: JACKSON HEIGHTS	LOC CITY: JAMAICA	LOC CITY: JAMESPORT
COUNTY: 81 QUEENS COUNTY	COUNTY: 81 QUEENS COUNTY	COUNTY: 103 SUFFOLK COUNTY

BRANCH: 136633A WITHDRAWN
TITLE: JERICHO
LOC STREET: 2 JERICHO PLAZA
LOC CITY: JERICHO
COUNTY: 59 NASSAU COUNTY

CONSUMMATION DATE:	STATE: NJ ZIP: 07302-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:
BRANCH: 136634A WITHDRAWN DAIE: TITLE: JERSEY AVENUE	LOC CITY: JERSEY CITY COUNTY: 17 HUDSON COUNTY	BRANCH: 136635A WITHDRAWN DATE:
BRANCH: TITLE:	LOC CITY:	BRANCH:

CONSUMMATION DATE:			STATE: NJ ZIP: 07306-0000	LOCATION CLOSED (Y/N): N
DATE:				
SA WITHDRAWN DATE:	AL SQUARE	URNAL SQUARE	Y CITY	HUDSON COUNTY
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DATE:			DATE:
TITLE: JOURNAL SOUARE	AL SQUARE	17 HUDSON COUNTY	WITHDRAWN DATE:
TITLE: JOURNAL SOUARE	35 JOURNAL	17 HUE	BRANCH: 136636A
TITLE	LOC STREET: 35 JOURNAL SQUARE	COUNTY	BRANCH:

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WITHDRAWN DA	HILLS	STREET	S HILLS	QUEENS COUNTY
136636A V	KEW GARDEN	75-21 MAIN STREET	KEW GARDENS	81 OUEENS
BRANCH:	TITLE:	LOC STREET:	LOC CITY:	COUNTY:

	DATE:	AVENUE
COUNTY: 81 QUEENS COUNTY	HEANCH: 136637A WITHDRAWN DATE:	C STREET: 119-01 METROPOLITAN AVENUE LOC CITY: KEW GARDENS HILLS
COUNTY: 8	BRANCH: 136637A	LOC STREET: 13

2: 11415-0000	(X/N): N
YY ZIP	CLOSED
STATE: 1	LOCATION

STATE: NY ZIP: 11414-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11367-0000 LOCATION CLOSED (Y/N): N

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COMPTROLLER OF THE CURRENCY EXISTING CORPORATE FILING
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CONTROL #: 2006 NB 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA WITHDRAWN DATE: 136639A WITHDRAWN KINGS HIGHWAY 1226 KINGS HIGHWAY

BRANCH: 136639A WITHDRAW
TITLE: KINGS HICHWAY
LOC STREET: 1226 KINGS HIGHWAY
LOC CITY: BROOKLYN
COUNTY: 47 KINGS COUNTY

STATE: NY ZIP: 11229-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

CONSUMMATION DATE:

136640A WITHDRAWN DATE: KINGS PARK 742 ROUTE 25A KINGS PARK BRANCH: TITLE: LOC STREET:

SUFFOLK COUNTY 103 LOC CITY:

STATE: NY ZIP: 11754-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11234-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

BRANCH:

WITHDRAWN DATE: 136641A WITHDRAWN I KINGS PLAZA 2520 FLATBUSH AVENUE BROOKLYN TITLE: I LOC STREET: 2 LOC CITY: 1 COUNTY:

47 KINGS COUNTY BRANCH:

136642A WITHDRAWN DATE:

143 ALEXANDER AVENUE LAKE GROVE SUFFOLK COUNTY 103 TITLE: LOC STREET: LOC CITY: COUNTY:

STATE: NY ZIP: 11755-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

WITHDRAWN DATE 136643A WITHDRAWN
LAKE SUCCESS
11999 MARCUS AVENUE
LAKE SUCCESS
59 NASSAU COUNTY BRANCH:

TITLE: I LOC STREET: LOC CITY: I COUNTY:

WITHDRAWN DATE

136644A WITHDRAWN DAIE:
LARCHMONT
1370 BOSTON ROAD
MANARONECK
119 WESTCHESTER COUNTY TITLE: LOC STREET: LOC CITY: COUNTY: BRANCH:

STATE: NY ZIP: 10538-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11042-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

: 136645A WITHDRAWN DAIE:
: LEFFERTS BOULEVARD
: 103-42 LEFFERTS BOULEVARD
: RICHMOND HILL
: 81 QUEENS COUNTY TITLE:)
LOC STREET:
LOC CITY: 1
COUNTY: BRANCH:

STATE: NY ZIP: 11419-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

WITHDRAWN DATE: 136646A WITHDRAWN LEVITTOWN 1EVITTOWN 3721 HEMPSTEAD TURNPIKE 59 NASSAU COUNTY LEVITTOWN TITLE: I LOC STREET: 3 LOC CITY: I COUNTY: BRANCH:

136647A WITHDRAWN DATE:
LI CITY SWKT
34-51 48TH STREET
LONG ISLAND
81 QUEENS COUNTY BRANCH: 1 TITLE: I LOC STREET: 3 LOC CITY: 1 COUNTY:

CONSUMMATION DATE:

STATE: NY ZIP: 11756-0000 LOCATION CLOSED (Y/N): N

STATE: NY ZIP: 11101-0000 LOCATION CLOSED (Y/N): N

COMPTROLLER OF THE CURRENCY EXISTING CORPORATE FILING

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CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

WITHDRAWN DATE: BRANCH: 136648A WITHDRAWN DA TITLE: LIBERTY AVENUE LOC STREET: 114-19 LIBERTY AVENUE LOC CITY: RICHMOND HILL COUNTY: 81 QUEENS COUNTY

: 136649A WITHDRAWN DATE:
1 LINCOLN PARK
1 15 LINCOLN PARK PLAZA
1 LINCOLN PARK PLAZA
2 1 MORRIS COUNTY BRANCH:

TITLE: LOC STREET: LOC CITY: I

WITHDRAWN DATE: 136650A WITHDRAWN LINDEN SMKT 637 WEST EDGAR ROAD BRANCH:

TITLE: I LOC STREET: 6 LOC CITY: 1 COUNTY:

LINDEN 39 UNION COUNTY

136651A WITHDRAWN DATE: LINDENHURST 300 SOUTH WELLWOOD AVENUE LINDENHURST BRANCH: 136651A WITHDRAWN
TITLE: LINDENHURST
LOC STREET: 310 SOUTH WELLMOOD F
LOC CITY: LINDENHURST
COUNTY: 103 SUFFOLK COUNTY

LITTLE NECK
248-40 NORTHERN BOULEVARD
LITTLE NECK
81 QUEENS COUNTY WITHDRAWN DATE: 136653A TITLE: I LOC STREET: 2 LOC CITY: I COUNTY: BRANCH:

WITHDRAWN DATE: 136654A BRANCH:

LIVINGSTON 507 SOUTH LIVINGSTON AVENUE LIVINGSTON 13 ESSEX COUNTY TITLE: I LOC STREET: 5 LOC CITY: 1 COUNTY: 136655A WITHDRAWN DATE: LIVINGSTON CVS CENTER 184 SOUTH LIVINGSTON AVENUE LIVINGSTON 13 ESSEX COUNTY TITLE: I LOC STREET: 1 LOC CITY: I COUNTY: BRANCH:

: 136656A WITHDRAWN DATE: : LONG ISLAND CITY : 44-04 21ST STREET : LONG ISLAND : 81 QUEENS COUNTY BRANCH:

TITLE: 1
LOC STREET: 4
LOC CITY: 1
COUNTY:

WITHDRAWN DATE: 136657A WITHDRAWN LYNBROOK
303 WRRRICK ROAD
LYNBROOK
59 NASSAU COUNTY TITLE: I LOC STREET: 3 LOC CITY: I COUNTY: BRANCH:

CONSUMMATION DATE

STATE: NY ZIP: 11419-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE: STATE: NJ ZIP: 07035-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NJ ZIP: 07036-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11757-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11363-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NJ ZIP: 07039-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NJ ZIP: 07039-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE

STATE: NY ZIP: 11101-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11563-0000 LOCATION CLOSED (Y/N): N

08/13/2007 15:29 PAGE: 26

COQFD207	COMPTROLLER OF THE CURRENC EXISTING CORPORATE FILING	CURRENCY 08/13/2007 15:29 E FILING PAGE: 27	9.5
CONTROL #: 20 TRANS TYPE: CC RESULTING BANK	CONTROL #: 2006 NE 02 0014 FILING TYPE: N TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: N RESULTING BANK SHORT NAME: CAPITAL ONE NA	merger Merger	
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136658A WITHDRAWN DAIE: LYNBROOK FRANKLIN AVENUE 1 FRANKLIN AVENUE LYNBROOK 59 NASSAU COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 11563-0000 LOCATION CLOSED (Y/N): N	
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136659A WITHDRAWN DATE: MANHASSET 1615 NORTHERN BOULEVARD MANHASSET 59 NASSAU COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 11030-0000 LOCATION CLOSED (Y/N): N	
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136660A WITHDRAWN DATE: MANORVILLE 485 COUNTY ROAD 111 MANORVILLE 103 SUFFOLK COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 11949-6000 LOCATION CLOSED (Y/N): N	
BRANCH: TITLE: LOC SIREET: LOC CITY: COUNTY:	136661A WITHDRAWN DATE: MANVILLE SMKT 120 NORTH MAIN STREET, SUITE 1 MANVILLE 35 SOMERSET COUNTY	CONSUMMATION DATE: STATE: NJ ZIP: 08835-0000 LOCATION CLOSED (Y/N): N	
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136662A WITHDRAWN DATE: MARLBORO 91 SOUTH MAIN STREET MARLBORO 25 MONWOUTH COUNTY	CONSUMMATION DATE: STATE: NJ ZIP: 07746-0000 LOCATION CLOSED (Y/N): N	
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136663A WITHDRAWN DATE: MASSAFEQUA 4374 SUBRISE HIGHWAY MASSAPEQUA 59 NASSAU COUNIY	CONSUMMATION DATE: STATE: NY ZIP: 11758-0000 LOCATION CLOSED (Y/N): N	
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136664A WITHDRAWN DATE: MASSAPEQUA PARK 5100 SUNRISE HIGHWAY MASSAPEQUA PARK 59 NASSAU COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 11762-6000 LOCATION CLOSED (Y/N): N	
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136665A WITHDRAWN DATE: MASTIC 1235 MONTAUK HIGHWAY MASTIC 103 SUFFOLK COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 11950-0000 LOCATION CLOSED (Y/N): N	
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136667A WITHDRAWN DATE: MATTITUCK SATELLITE MATTITUCK MATTITUCK 103 SUFFOLK COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 11952-0000 LOCATION CLOSED (Y/N): N	

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COMPTROLLER OF THE CURRENCY EXISTING CORPORATE FILING

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STATE: NY ZIP: 11747-0000
LOCATION CLOSED (Y/N): N
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LOCATION CLOSED (Y/N): N
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LOCATION CLOSED (Y/N): N
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LOCATION CLOSED (Y/N): N
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CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA
                                                                                                                                                                                                                                                                                                                                                                                                      BRANCH: 136671A WITHDRAWN DATE:
TITLE: MIDDLE VILLAGE
LOC STREET: 74-11 METROPOLITAN AVENUE
LOC CITY: MIDDLE VILLAGE
COUNTY: 81 QUEENS COUNTY
                                                                         WITHDRAWN DATE:
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           136676A WITHDRAWN DATE:
MINEOLA WEST
330 OLD COUNTRY ROAD
                                                                                                                                                                                    136669A WITHDRAWN DATE:
MELVILLE NORTH
700 WALT WHITMAN ROAD
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MINEOLA BOULEVARD
210 MINEOLA BOULEVARD
MINEOLA
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TITLE: MILL BASIN
LOC STREFT: 2102-2128 RALPH AVENUE
LOC CITY: BROOKLYN
COUNTY: 47 KINGS COUNTY
                                                                      BRANCH: 136668A WITHDRAWN I
TITLE: MELVILLE
LOC STREET: 275 BROADHOLLOW ROAD
LOC CITY: MELVILLE
COUNTY: 103 SUFFOLK COUNTY
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         25 MONMOUTH COUNTY
                                                                                                                                                                                BRANCH: 136669A WITHDRAWN
TITLE: MELVILLE NORTH
LOC STREET: 700 WALT WHITHAN RO!
LOC CITY: MELVILLE
COUNTY: 103 SUFFOLK COUNTY
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           MILLBURN
45 ESSEX STREET
MILLBURN
13 ESSEX COUNTY
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       LACANCH: 136672A WITHDRA TITLE: MIDDLETOWN SMKT LOC STREET: 1361 ROUTE 35
LOC CITY: MIDDLETOWN
COUNTY: 25
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59 NASSAU COUNTY
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MERRICK
35 MERRICK AVENUE
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TITLE: MERRICK
LOC STREET: 35 MERRIC
LOC CITY: MERRICK
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            TITLE: N
LOC STREBT: 4
LOC CITY: N
COUNTY:
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TITLE: N
LOC STREET: 2
LOC CITY: N
COUNTY:
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TITLE: N
LOC STREET: 3
LOC CITY: N
COUNTY:
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08/13/2007 15:29	PAGE: 29
COMPTROLLER OF THE CURRENCY	EXISTING CORPORATE FILING

	MERGER	
TYPE:	FORM:	E NA
FILING	MERGER)	PITAL ONE
0014	(AFFIL	ME: CA
6 NE 02	P REORG	BANK SHORT NAME: CAPITAL
#: 200	E: COR	BANK
CONTROL #: 2006 NE 02 0014	TRANS TYPE: CORP REORG (AFFIL MERGER) FORM:	RESULTING

CONSUMMATION DATE:

CONSUMMATION DATE: STATE: NY ZIP: 10952-0000	LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NY ZIP: 10452-0000	LOCATION CLOSED (Y/N): N
BRANCH: 136677A WITHDRAWN DATE: TITLE: MONSEY SMKT LOC STREET: 45 ROUTE 59 LOC CITY: MONSEY	COUNTY: 87 ROCKLAND COUNTY	BRANCH: 136678A WITHDRAWN DATE: TITLE: MOUNT EDEN	LOC STREET: 19 EAST MT. EDEN AVENUE LOC CITY: BRONX	COUNTY: 5 BRONK COUNTY
BRANCH: 136677, TITLE: MONSEY LOC STREET: 45 ROU LOC CITY: MONSEY	COUNTY	BRANCH: TITLE:	LOC STREET: 19 EAU LOC CITY: BRONX	COUNTY:

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CONSUMMATION DATE:	2TP. 10452-0000	N : (N/X) C	CONCERMENTATION DAME.

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CONSUMMATION DATE:	STATE: NY ZIP: 10550-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NY ZIP: 11754-0000 LOCATION CLOSED (Y/N): N
BRANCH: 136679A WITHDRAWN DATE: TITLE: MOUNT VERNON	LOC CITY: MT. VERNON COUNTY: 119 WESTCHESTER COUNTY	BRANCH: 136681A WITHDRAWN DATE: TITLE: NESCONSET	LOC STREET: 250 SMITHTOWN BOULEVARD LOC CITY: NESCONSET COUNTY: 103 SUFFOLK COUNTY
BRANCH: TITLE:	LOC CITY:	BRANCH: TITLE:	LOC STREET: 250 SMITH: LOC CITY: NESCONSET COUNTY: 103 SUFF

OUNTY	WITHDRAWN DATE:	STREET .	COUNTY
COUNTY: 103 SUFFOLK COUNTY	,	65 NORTH MAIN STREET	COUNTY: 87 ROCKLAND COUNTY
103	BRANCH: 136682A		87 ROC
COUNTY: 103 SUFF	BRANCH:	C STREET:	COUNTY

TREET .	UNITY	WITHDRAWN DATE:
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MAIN	ROCKLAND COUNTY	PARK
65 NORTH NEW CITY		136683A NEW HYDE
NEW NEW	87	136 NEW
LOC STREET: 65 NORTH MAIN STREET LOC CITY: NEW CITY	COUNTY:	BRANCH: 136683A WITH TITLE: NEW HYDE PARK
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STATE: NY ZIP: 10956-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

CONSUMMATION DATE:

	AVENUE		COUNTY	
PARK	CSIDE	PARK	SAU CC	
HYDE	S HILL	NEW HYDE PARK	NASSAU	
: NEW	1, 205			
TITLE: NEW HYDE PARK	LOC STREET: 2055 HILLSIDE	TOC CILA	COUNTY	

STATE: NY ZIP: 11040-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

i:), 1ST	
BRANCH: 136684A WITHDRAWN DATE: TITLE: NEWFORT TOWER LOC STREET: 525 WASHINGTON BOULEVARD, LOC CITY: JERSEY CITY	COUNTY 17 HUDSON COUNTY
13666 NEWPC 525 V JERSI	17
BRANCH: 136684A TITLE: NEWPORT TOW LOC STREET: 525 WASHINGT LOC CITY: JERSEY CITY	COUNTY

FLOOR STATE: NJ ZIP: 07310-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

DATE:				
WITHDRAWN DATE:	NOS	AVENUE		NASSAU COUNTY
	NORTH ALBERTSON	1145 WILLIS AVENUE	ALBERTSON	NASSAU
				53
BRANCH:	TITLE	LOC STREET:	LOC CITY:	COUNTY:

	BRANCH: 136686A WITHDRAWN DATE: TITLE: NORTH BABYLON C STREET: 1383 DEER PARK AVENUE LOC CITY: NORTH BABYLON COUNTY: 103 SUFFOLK COUNTY
. 1 11000	BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:

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STATE: NY ZIP: 11507-0000 LOCATION CLOSED (Y/N): N

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FILING	Merger Merger	CONSUMMATION DATE: STATE: NY ZIP: 11710-000 LOCATION CLOSED (Y/N): N
EXISTING CORPORATE FILING	CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA	BRANCH: 136687A WITHDRAWN DATE: TITLE: NORTH BELLMORE LOC STREET: 2843 JERUSALEM AVENUE LOC CITY: NORTH BELLMORE COUNTY: 59 NASSAU COUNTY

STATE: NY ZIP: 11710-0000 LOCATION CLOSED (Y/N): N	CONSUMMETION DATE:	STATE: NY ZIP: 10603-0000 LOCATION CLOSED (Y/N): N
NORTH BELLMORE 59 NASSAU COUNTY	136688A WITHDRAWN DATE: NORTH BROADWAY	530 NOKTH BROADWAY WHITE PLAINS 119 WESTCHESTER COUNTY

BRANCH: 1 TITLE: N LOC STREET: 5 LOC CITY: W

BRANCH: 1 TITLE: N LOC STREET: 1 LOC CITY: N

BRANCH:
TITLE: D
LOC STREET: (
LOC CITY: (
COUNTY:

STATE: NY ZIP: 10603-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NJ ZIP: 08902-0000 LOCATION CLOSED (Y/N): N
: 330 NOKIH BKOADWAY : WHITE PLAINS : 119 WESTCHESTER COUNTY	136689A WITHDRAWN DATE: NORTH BRUNSWICK	NORTH BRUNSWICK 23 MIDDLESEX COUNTY

SOTITE	
CM	STATE: NJ ZIP: 08902-0000
X COUNTY	SOJ
HDRAWN DATE:	CONSUMMATION DATE:
RST	
VENUE	
	STATE: NY ZIP: 11516-0000
OUNTY	LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:	STATE: NY ZIP: 11516-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NJ ZIP: 07110-0000 LOCATION CLOSED (Y/N): N
: 136690A WITHDRAWN DATE: : NORTH CEDARHURST : 466 CENTEL AVENTE	CEDARHURST : 59 NASSAU COUNTY	: 136691A WITHDRAWN DATE: NUTLEY	: 474 FRANKLIN AVENUE : NUTLEY : 13 ESSEX COUNTY

CONSUMMATION DATE:	STATE: NJ ZIP: 07110-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NJ ZIP: 07436-0000 LOCATION CLOSED (Y/N): N
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WITHDRAWN DATE:	4/4 FRANKLIN AVENUE NUTLEY 13 ESSEX COUNTY	WITHDRAWN DATE: SMKT	R POST ROAD AKLAND 3 BERGEN COUNTY
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BRANCH: 136693A WITHDRAWN DATE: TITLE: OCEANSIDE LOC STREET: 3151 LONG BRACH ROAD LOC CITY: OCEANSIDE COUNTY: 59 NASSAU COUNTY
: 136693A : OCEANSIDE : 3151 LONG : OCEANSIDE : 59 NASSA
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BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:

OCEANSIDE 59 NASSAU COUNTY	136694A WITHDRAWN DATE: OLD COUNTRY ROAD 947 OLD COUNTRY ROAD WESTBURY
LOC CITY: OCEANSIDE COUNTY: 59 NASS	BRANCH: TITLE: LOC STREET: LOC CITY:

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59 NASSAU COUNTY	136695A WITHDRAWN DATE: OYSTER BAY 68 WEST MAIN STREET OYSTER BAY	59 NASSAU COUNTY
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STATE: NY ZIP: 11590-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11572-0000 LOCATION CLOSED (Y/N): N

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LOCATION CLOSED (Y/N): N
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COMPTROLLER OF THE CURRENCY EXISTING CORPORATE FILING
                                            CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA
                                                                                                                                                                                              136697A WITHDRAWN DATE:
PARK AVENUE
320 PARK AVENUE (SOTH STREET)
NEW YORK
61 NEW YORK COUNTY
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PARSIPPANY SMKT
808 ROUTE 46 WEST
PRASIPPANY
27 MORRIS COUNTY
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PATCHOGUE EAST
392 EAST MAIN STREET
PATCHOGUE
103 SUFFOLK COUNTY
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PATCHOGUE REMOTE DRIVE UP
62 SOUTH OCEAN AVENUE
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PASSAIC PARK
129 MAIN AVENUE
                                                                                                      BRANCH: 136696A WITHDRAWN DATE
TITLE: PARAMUS
LOC STREET: 61 EAST RIDGEWOOD AVENUE
LOC CITY: PARAMUS
COUNTY: 3 BERGEN COUNTY
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119 WESTCHESTER COUNTY
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116 EAST MAIN STREET
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103 SUFFOLK COUNTY
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PARK SLOPE
516 5TH AVENUE
BROOKLYN
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200 STH AVENUE
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STATE: NY ZIP: 11050-0000 LOCATION CLOSED (Y/N): N

136712A WITHDRAWN DATE:
PORT WASHINGTON
FORT WASHINGTON
FORT WASHINGTON
59 NASSAU COUNTY

BRANCH: 1
TITLE: E
LOC STREET: 1
LOC CITY: E
COUNTY:

CONSUMMATION DATE:

CONSUMMATION DATE:

STATE: NY ZIP: 11373-0000 LOCATION CLOSED (Y/N): N

: 136713A WITHDRAWN DATE: :: QUEENS BOULEVARD : 89-01 QUEENS BOULEVARD : ELMHURST : 81 QUEENS COUNTY

BRANCH: 1 TITLE: C LOC STREET: 8 LOC CITY: E COUNTY:

RPORATE FILING PAGE	TYPE: MERGER Form: Merger : Na	CONSUMMATION DATE: STATE: NY ZIP: 10462-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NY ZIP: 10119-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NJ ZIP: 08861-0000 LOCATION CLOSED (Y/N): N	CONSUMNATION DATE: STATE: NY ZIP: 11803-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: SETATE: NY ZIP: 11803-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE: STATE: NY ZIP: 11776-0000 LOCATION CLOSED (Y/N): N	SLAND STATE: NY ZIP: 10302-0000 LOCATION CLOSED (Y/N): N
EXISTING CORPORATE	CONTROL #: 2006 NE 02 0014 FILING TYP: TRANS TYPE: CORP REORG (AFFIL MERGER) FOR RESULTING BANK SHORT NAME: CAPITAL ONE NA	BRANCH: 136705A WITHDRAWN DATE TITLE: PELHAM PARKWAY LOC STREET: 2159 WHITE PLAINS ROAD LOC CITY: BRONX COUNTY: 5 BRONX COUNTY	BRANCH: 136706A WITHDRAWN DATE: TITLE: PENN FLAZA LOC STREET: 1 PENN PLAZA LOC CITY: NEW YORK COUNTY: 61 NEW YORK	BRANCH: 136707A WITHDRAWN DATE: TITLE: PERTH AMBOY LOC STREET: 313 STATE STREET LOC CITY: PERTH AMBOY COUNTY: 23 MIDDLESEX COUNTY	BRANCH: 136708A WITHDRAWN DATE: TITLE: PLAINVIEW LOC STREET: 1105 OLD COUNTRY ROAD LOC CITY: PLAINVIEW COUNTY: 59 NASSAU COUNTY	BRANCH: 136709A WITHDRAWN DATE: TITLE: PLAINVIEW MANETTO HILL ROAD LOC STREET: 144 MANETTO HILL ROAD LOC CITY: PLAINVIEW COUNTY: 59 NASSAU COUNTY	BRANCH: 136710A WITHDRAWN DATE: TITLE: PORT JEFFERSON LOC STREET: 532 OLD TOWN ROAD LOC CITY: JEFFERSON STATION COUNTY: 103 SUFFOLK COUNTY	BRANCH: 136711A WITHDRAWN DATE: TITLE: PORT RICHMOND - STAIEN ISLAND LOC STREET: 1411 FOREST AVENUE LOC CITY: STAIEN ISLAND COUNTY: 85 RICHMOND COUNTY

08/13/2007 15:29 PAGE: 32

COMPTROLLER OF THE CURRENCY

CURRENCY	E FILING	
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COMPTROLLER OF THE	EXISTING CO	

08/13/2007 15:29 PAGE: 33

COMPTROLLER OF THE CURRENCY EXISTING CORPORATE FILING	CONTROL #: 2006 NE 02 0014 FILLING TYPE: MERGER RANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER REGULTING BANK SHORT NAME: CAPITAL ONE NA
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S	CONTROL #: 2006 NE 02 0014 FILING TYPI TRANS TYPE: CORP REORG (AFFIL MERGER) FOR RESULTING BANK SHORT NAME: CAPITAL ONE NA
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	CONTROL #: 2006 NE 02 0014 RANS TYPE: CORP REORG (AFF ESULTING BANK SHORT NAME: 0
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IRANS IIFE: CORP REOKG (AFFIL) MENGER) FORM: MENGER RESULTING BANK SHORT NAME: CAPITAL ONE NA	BRANCH: 136714A WITHDRAWN DATE: TITLE: QUEENS VILLAGE LOC STREET: 216-19 JAMAICA AVENUE LOC CITY: QUEENS VILLAGE COUNTY: 81 QUEENS COUNTY	BRANCH: 136715A WITHDRAWN DATE: TITLE: RAMSEY - RAMSEY SQUARE SHOPPING CENTER LOC STREET: 1300 ROUTE 17 NORTH LOC CITY: RAMSEY COUNTY: 3 BERGEN COUNTY

CONSUMMATION DATE:	CENTER		STATE: NJ ZIP: 07446-0000	LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:			STATE: NY ZIP: 11374-0000	LOCATION CLOSED (Y/N): N	
BRANCH: 136715A WITHDRAWN DATE:	RAMSEY - RAMSEY SQUARE SHOPPING	LOC STREET: 1300 ROUTE 17 NORTH	RAMSEY	COUNTY: 3 BERGEN COUNTY	BRANCH: 136716A WITHDRAWN DATE:	TITLE: REGO PARK	LOC STREET: 95-25 QUEENS BOULEVARD	LOC CITY: REGO PARK	COUNTY: 81 QUEENS COUNTY	
BRANCH:	TITLE:	LOC STREET:	LOC CITY: RAMSEY	COUNTY:	BRANCH:	TITLE:	LOC STREET:	LOC CITY:	COUNTY:	

CONSUMMATION DATE:	CHANGE AT VETT OF A BOOK	LOCATION CLOSED (Y/N): N	: CONSUMMATION DATE:	STATE: NY ZIP; 11418-0000 LOCATION CLOSED (Y/N): N
WITHDRAWN DATE:	ENS BOULEVARD	INS COUNTY	WITHDRAWN DATE: HILL	MAICA AVENUE HILL NS COUNTY

LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NY ZIP: 11418-0 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:
QUEENS COUNTY	HMOND HILL	HMOND HILL COUNTY	718A WITHDRAWN DATE:

ENUE	WITHDRAWN DATE: AVENUE
138/1/A WITHDRAWN D. RICHMOND HILL 115-20 JAMAICA AVENUE RICHMOND HILL 81 QUEENS COUNTY	WITHDRA LD D AVENUE LD
BACANCH: 138/17/A WITHDEAMN DAIB: TITLE: RICHMOND HILL STREET: 115-20 JANAICA AVENUE C CITY: RICHMOND HILL COUNTY: 81 QUEENS COUNTY	136718A WITHDR. RIDGEFIELD 375 BROAD AVENUE RIDGEFIELD
EANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	BRANCH: TITLE: LOC STREET: LOC CITY:

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3 BERGEN COUNTY	136719A WITHDRAWN DATE	70-01 FOREST AVENUE RIDGEWOOD
COUNTY:	BRANCH	LOC STREET: LOC CITY:

STATE: NJ ZIP: 07657-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 11385-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NJ ZIP: 07450-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

DATE:	COUNTY: 81 QUEENS COUNTY BRANCH: 136720A WITHDRAWN DATE:	BRANCH:
	81 QUEENS COUNTY	COUNTY:
	LOC STREET: 70-01 FOREST AVENUE LOC CITY: RIDGEWOOD	STREET:

136720A WITHDRAWN DATE RIDGEWOOD NJ	9 EAST RIDGEWOOD AVENUE RIDGEWOOD	3 BERGEN COUNTY
BRANCH: TITLE:	LOC STREET: LOC CITY:	COUNTY:

3 BERGEN COUNTY	BRANCH: 136721A WITHDRAWN DATE: TITLE: RIVERDALE LOC STREET: 5977 RIVERDALE AVENUE
COOMER	BRANCH: TITLE: C STREET:
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RIVERDALE	5977 RIVERDALE AVE	BRONX	5 BRONX COUNTY	
	LOC STREET:		COUNTY:	

WITHDRAWN DATE:	JOHNSON AVENUE	3517 JOHNSON AVENUE		BRONX COUNTY
BRANCH: 136722A	RIVERDALE	3517 JOHNS	BRONX	5 BRONX
BRANCH	TITLE:	LOC STREET;	LOC CITY:	COUNTY:

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ROCKAWAY PARK
116-01 ROCKAWAY BEACH BOULEVARD
ROCKAWAY PARK
81 QUEENS COUNTY 136724A WITHDRAWN DATE:
RIVERHEAD ROUTE 58
1080 ROUTE 58 ROANOKE PLAZA 136726A WITHDRAWN DATE: ROCKAWAY TURNFIKE 700 ROCKAWAY TURNFIKE LAWRENCE 59 NASSAU COUNTY : 136729A WITHDRAWN DATE:
ROCKY POINT WEST
75 ROUTE 25A
ROCKY POINT
103 SUFFOLK COUNTY BRANCH: 136723A WITHDRAWN DATE: TITLE: RIVERHEAD MAIN LOC STREET: 140 EAST MAIN STREET LOC CITY: RIVERHEAD COUNTY: 103 SUFFOLK COUNTY BRANCH: 136728A WITHDRAWN DATE: TITLE: ROCKY POINT STREET: 366 ROUTE 25A WITHDRAWN DATE: WITHDRAWN DATE: RONKONKOMA 131 PORTION ROAD RONKOWA 103 SUFFOLK COUNTY BRANCH: 136724A WITHDRAWN TITLE: RIVERHEAD ROUTE 58 LOC STREET: 1080 ROUTE 58 ROANOF LOC CITY: RIVERHEAD COUNTY: 103 SUFFOLK COUNTY BRANCH: 136727A WITHDRAWN ITILE: ROCKVILLE CENTER LOC STREET: 77 LINCOLM AVENUE LOC CITY: ROCKVILLE CENTER COUNTY: 59 NASSAU COUNTY 103 SUFFOLK COUNTY BRANCH: 136731A WITHDRAWN
TITLE: ROSEDALE
LOC STREET: 145-15 243RD STREET
LOC CITY: ROSEDALE
COUNTY: 81 QUEENS COUNTY 136730A LOC STREET: 1 LOC CITY: F COUNTY: TITLE: LOC STREET: LOC CITY: 1 TITLE: I LOC STREET: 1 LOC CITY: B TITLE: F LOC STREET: 7 LOC CITY: F COUNTY: 1 BRANCH: 1 TITLE: F LOC STREET: 1 LOC CITY: F COUNTY: 1 BRANCH: TITLE: BRANCH: BRANCH:

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CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME; CAPITAL ONE NA
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: 103 SUFFOLK COUNTY
                                                                 BRANCH: 136732A WITHDRAWN DATE: TITLE: ROSLYN
LOC STREET: 1085 NORTHERN BOULEVARD
LOC CITY: ROSLYN
COUNTY: 59 NASSAU COUNTY
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TITLE: RUTHERFORD
LOC STREET: 301 ROUTE 17 N
LOC CITY: RUTHERFORD
COUNTY: 3 BERGEN COUNTY
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TITLE: RUTHERPORD CENTER
LOC STREET: 74 PARK AVENUE
LOC CITY: RUTHERPORD
COUNTY: 3 BERGEN COUNTY
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LOC STREET: 57 PURCHASE STREET
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COUNTY: 119 WESTCHESTER COUNTY
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: 2530 STEWART AVENUE
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SAYERVILLE
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103 SUFFOLK COUNTY
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SAYVILLE
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36.29																			
<pre>g CURRENCY 08/13/2007 15:29 FE FILING PAGE: 36</pre>	MERGER MERGER	CONSUMMATION DATE:	STATE: NJ ZIP: 08750-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NJ ZIP: 07094-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NY ZIP: 11229-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NY ZIP: 11235-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NY ZIP: 11965-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NY ZIP: 11967-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NY ZIP: 11787-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NY ZIP: 10012-0000 LOCATION CLOSED (Y/N): N	CONSUMMATION DATE:	STATE: NY ZIP: 10012-0000 LOCATION CLOSED (Y/N): N
COQFD207 COMPTROLLER OF THE CURRENC EXISTING CORPORATE FILING	CONTROL #: 2006 NE 02 0014 FILING TYPE. TRANS TYPE: CORP REORG (AFFIL NERGER) FORM: RESULTING BANK SHORT NAME: CAPITAL ONE NA	BRANCH: 136741A WITHDRAWN DAIE:			LOC STREET: 1291 PATERSON PLANK ROAD LOC CITY: SECAUCUS COUNTY: 17 HUDSON COUNTY	BRANCH: 136743A WI TITLE: SHEEPSHEAD I	LOC STREET: 2123 AVENUE U LOC CITY: BROOKLYN COUNTY: 47 KINGS COUNTY	BRANCH: TITLE:	LOC STREET: 3090 OCEAN AVENUE LOC CITY: BROOKLYN COUNTY: 47 KINGS COUNTY	BRANCH: 136745A WITHDRAWN DATE: TITLE: SHELTER ISLAND	SHELTER 103 SUF	BRANCH: 136746A WITHDRAWN DATE:	LOC STREET: 800 MONTAUK HIGHWAY LOC CITY: SHIRLEY COUNTY: 103 SUFFOLK COUNTY	BRANCH: 136747A WITHDRAWN DATE:		BRANCH: 1367 TITLE: SOHO	LOC STREET: 594 BROADWAY LOC CITY: NEW YORK COUNTY: 61 NEW YORK COUNTY	BRANCH: 136749A WITHDRAWN DATE:	

CURRENCY	FILING	
COMPTROLLER OF THE C	CORPORATE	
COMPTROLLE	EXISTING	

CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

BRANCH: 136750A WITHDRAWN DATE: TITLE: SOUTH BALDWIN LOC SIMEST: 2303 GRAND AVENUE LOC CITY: BALDWIN COUNTY: 59 NASSAU COUNTY

STATE: NY ZIP: 11510-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

CONSUMMATION DATE:

136751A WITHDRAWN DATE: SOUTH BRUNSWICK 4095 ROUTE 1 SOUTH MONNOUTH UNKCTION 25 MONMOUTH COUNTY BRANCH:
TITLE:
LOC STREET:
LOC CITY:
COUNTY:

STATE: NJ ZIP: 08852-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE

BRANCH:

136752A WITHDRAWN DATE: SOUTH EASTCHESTER 764 WHITE PLAINS ROAD (ROUTE 22) SCARSDALE

119 WESTCHESTER COUNTY TITLE: LOC STREET: LOC CITY: COUNTY:

STATE: NY ZIP: 10583-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

136753A WITHDRAWN DATE:
SOUTH FARMINGDALE
195 WRRRITS ROAD SOUTH
FARMINGDALE
59 NASSAU COUNTY BRANCH:

TITLE: LOC STREET: LOC CITY: COUNTY:

STATE: NY ZIP: 11735-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE

136754A WITHDRAWN DATE: SOUTH MERRICK 2192 MERRICK ROAD MERRICK TITLE: S LOC STREET: 2 LOC CITY: N COUNTY: BRANCH:

59 NASSAU COUNTY

STATE: NY ZIP: 11566-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

136755A WITHDRAWN DATE:
SOUTH SHORE MALL
1701 SUNRISE HIGHWAY
BAY SHORE
103 SUFFOLK COUNTY BRANCH: 1
TITLE: 8
LOC STREET: 1
LOC CITY: 6
COUNTY: 1

STATE: NY ZIP: 11706-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE

STATE: NY ZIP: 11968-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

WITHDRAWN DATE: 136756A WITHDRAWN D
SOUTHANTON
46 WINDMILL LANE
500THANFON
103 SUFFOLK COUNTY

BRANCH: 1 TITLE: 5 LOC STREET: 4 LOC CITY: 5 COUNTY: 1

WITHDRAWN DATE: 136757A WITHDRA SOUTHOLD 54375 MAIN ROAD

103 SUFFOLK COUNTY BRANCH: 1 TITLE: 5 LOC STREET: 5 LOC CITY: 5 COUNTY: 1

WITHDRAWN DATE: MONTAUK HIGHWAY 136758A SPEONK ITILE: S LOC STREET: N LOC CITY: S COUNTY: 1 BRANCH:

SPEONK 103 SUFFOLK COUNTY

CONSUMMATION DATE:

STATE: NY ZIP: 11971-0000 LOCATION CLOSED (Y/N): N

STATE: NY ZIP: 11972-0000 LOCATION CLOSED (Y/N): N

08/13/2007 15:29 PAGE: 37

COQFD207	COMPTROLLER OF THE CURRENC EXISTING CORPORATE FILING	CURRENCY 08/13/2007 15:29 E FILING PAGE: 38
CONTROL #: 2 TRANS TYPE: C RESULTING BAN	CONTROL #: 2006 NE 02 0014 FILING TYPE: TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: RESULTING BANK SHORT NAME: CAPITAL ONE NA	Merger Merger
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136759A WITHDRAWN DATE; ST. ALBANS 189-02 LINDEN BOULEVARD ST. ALBANS 81 QUEENS COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 11412-0000 LOCATION CLOSED (Y/N): N
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136760A WITHDRAWN DATE: STADIUM PLAZA 321 ROUTE 440 JERSEY CITY 17 HUDSON COUNTY	CONSUMMATION DATE: STATE: NJ ZIP: 07305-0000 LOCATION CLOSED (Y/N): N
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136761A WITHDRAWN DATE: STONY BROOK 64 MAIN STREET STONY BROOK 103 SUFFOLK COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 11790-0000 LOCATION CLOSED (Y/N): N
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136762A WITHDRAWN DATE: SUPPERN 50 LAFAYETTE AVENUE SUFFERN 87 ROCKLAND COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 10901-0000 LOCATION CLOSED (Y/N): N
BRANCH: TITLE: LOC STREET: LOC CITY: COUNIY:	136763A WITHDRAWN DATE: SUNNYSIDE 40-20 QUEENS BOULEVARD SUNNYSIDE 81 QUEENS COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 11104-0000 LOCATION CLOSED (Y/N): N
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136764A WITHDRAWN DATE: SUTPHIN 146-21 JAMAICA AVENUE JAMAICA 81 QUEENS COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 11435-0000 LOCATION CLOSED (Y/N): N
BRANCH: TITLE: LOC STREET: LOC CITY: COUNIY:	136765A WITHDRAWN DATE: THIRD AVENUE 1180 3RD AVENUE (69TH STREET) NEW YORK 61 NEW YORK COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 10021-0000 LOCATION CLOSED (Y/N): N
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136766A WITHDRAWN DATE: TOTTENVILLE 240 PAGE AVENUE STATEN ISLAND 85 RICHMOND COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 10307-0000 LOCATION CLOSED (Y/N): N
BRANCH: TITLE: LOC STREET: LOC CITY: COUNTY:	136767A WITHDRAWN DATE: TRIBECA 90 WEST BROADWAY NEW YORK 61 NEW YORK COUNTY	CONSUMMATION DATE: STATE: NY ZIP: 10007-0000 LOCATION CLOSED (Y/N): N

COMPTROLLER OF	OF.	THE	CURRENCY	
EXISTING CO	RPC	CRPORATE	FILING	

08/13/2007 15:29 PAGE: 39

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CORPORATE FILING	
EXISTING	

CONTROL #: 2006 NE 02 0014 FILING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

WITHDRAWN DATE: BRANCH: 136768A WITHDRAWN
TITLE: TRUMP VILLAGE
LOC STREET: 504 NEPTUNE AVENUE
LOC CITY: BROOKLYN
COUNTY: 47 KINGS COUNTY

STATE: NY ZIP: 11224-0000 LOCATION CLOSED (Y/N): N

BRANCH: 136769A WITHDRAWN DATE: TITLE: TULIP AVENUE LOC STREET: 170 TULIP AVENUE LOC CITY: FLORAL PARK COUNTY: 59 NASSAU COUNTY

STATE: NY ZIP: 11001-0000 LOCATION CLOSED (Y/N): N

STATE: NJ ZIP: 07087-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

STATE: NY ZIP: 10003-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

136771A WITHDRAWN DATE: UNION SQUARE 31 EAST 17TH STREET WITHDRAWN DATE: 61 NEW YORK COUNTY LOC STREET: 31 EAST 1 LOC CLTY: NEW YORK COUNTY: 61 NEW

136772A WITHDRAW UNIONDALE 929 FRONT STREET UNIONDALE BRANCH:

59 NASSAU COUNTY TITLE: U
LOC STREET: 9
LOC CITY: U
COUNTY:

BRANCH: TITLE: LOC STREET:

LOC CITY: 1
COUNTY:

TITLE: (
LOC STREET; 1
LOC CITY: V
COUNTY: BRANCH:

STATE: NY ZIP: 11357-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

CONSUMMATION DATE:

BRANCH: 136776A WITHDRAWN DATE: TITLE: VALLEY STREAM
LOC STREET: 356 NORTH CENTRAL AVENUE
LOC CITY: VALLEY STREAM
COUNTY: 59 NASSAU COUNTY

CONSUMMATION DATE:

CONSUMMATION DATE:

CONSUMMATION DATE:

136770A WITHDRAWN DATE: UNION CITY 3201 BERGENLINE AVENUE UNION CITY

BRANCH: 1 TITLE: U LOC STREET: 3 LOC CITY: U

17 HUDSON COUNTY

BRANCH: TITLE:

STATE: NY ZIP: 11553-0000 LOCATION CLOSED (Y/N): N

STATE: NJ ZIP: 07043-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE:

: 136773A WITHDRAWN DATE:
: UPPER MONTCLAIR
: 605 VALLEY ROAD
: UPPER MONTCLAIR
: 13 ESSEX COUNTY

WITHDRAWN DATE: : 136774A WITHDEAWN DA : UTOPIA PARKWAY : 19-01 UTOPIA PARKWAY : WHITESTONE : 81 QUEENS COUNTY

DKANCH: 136775A WITHDRAWN DATE:
TITLE: VALLEY COTTAGE
LOC STREET: 15 LAKE RIDGE PLAZA, ROUTE 303
LOC CITY: VALLEY COTTAGE
COUNTY: 119 WRCTOWN

STATE: NY ZIP: 11580-0000 LOCATION CLOSED (Y/N): N

STATE: NY ZIP: 10989-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

08/13/2007 15:29 PAGE: 40

CONTROL #: 2006 NE 02 0014 FILLING TYPE: MERGER TRANS TYPE: CORP.REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA

COMPTROLLER OF THE CURRENCY EXISTING CORPORATE FILING

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CONSUMMATION DATE:

BRANCH: 136777A WITHDRAWN DATE:
TITLE: VALLEY STREAM GREEN ACRES
LOC STREET: 5 GREEN ACRES ROAD
LOC CITY: VALLEY STREAM
COUNTY: 59 NASSAU COUNTY

STATE: NY ZIP: 11581-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

DATE

BRANCH: 136778A WITHDRAWN I TITLE: VALLEY STREAM SOUTH LOC STREET: 1.95 NOCKAMAY AVENUE LOC CITY: VALLEY STREAM COUNTY: 59 NASSAU COUNTY

STATE: NY ZIP: 11580-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

WITHDRAWN DATE

BRANCH: 136779A WITHDRAWN DAT TITLE: WAKEFIELD LOC STREET: 4201 WHITE PLAINS ROAD LOC CITY: BRONX

STATE: NY ZIP: 10466-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

WITHDRAWN DATE:

136780A

BRANCH: TITLE: LOC STREET: LOC CITY: V

5 BRONX COUNTY

COUNTY:

WEEHAWKEN
17 HUDSON COUNTY

WEEHAWKEN 4714 PARK AVENUE

STATE: NJ ZIP: 07086-0000 LOCATION CLOSED (Y/N): N

STATE: NY ZIP: 11795-0000 LOCATION CLOSED (Y/N): N CONSUMMATION DATE:

: 136781A WITHDRAWN DATE: WEST ISLIE 450 UNION BOULEVARD WEST WEST ISLIE : 103 SUFFOLK COUNTY

BRANCH:

TITLE: I LOC STREET: LOC CITY: I COUNTY: BRANCH:

136782A WITHDRAWN DAIE: WEST MILFORD SWKT 1926 UNION VALLEY ROAD HEWITT PASSAIC COUNTY 31 TITLE:
LOC STREET:
LOC CITY:
COUNTY:

STATE: NJ ZIP: 07421-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

CONSUMMATION DATE:

STATE: NY ZIP: 07093-0000 LOCATION CLOSED (Y/N): N

CONSUMMATION DATE:

WITHDRAWN DATE: : 136783A WITHDRAWN DATE WEST NEW YORK : 5913 BERGENLINE AVENUE : WEST NEW YORK 61 NEW YORK COUNTY TITLE: W LOC STREET: 5 LOC CITY: W COUNTY: BRANCH:

WITHDRAWN DATE: WILLIAMSBURG 185 BROADWAY BROOKLYN 136784A TITLE: LOC STREET; LOC CITY: BRANCH:

WITHDRAWN DATE: 47 KINGS COUNTY COUNTY:

136785A WITHDRAWN I WINDSOR PARK 73-16 BELL BOULEVARD BRANCH: 1 TITLE: W LOC STREET: 7 LOC CITY: E

81 QUEENS COUNTY BAYSIDE

STATE: NY ZIP: 11364-0000 LOCATION CLOSED (Y/N): N

STATE: NY ZIP: 11211-0000 LOCATION CLOSED (Y/N): N

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PAGE: 41
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NEW YORK STATE: NY ZIP: 10009-0000
61 NEW YORK COUNTY LOCATION CLOSED (Y/N): N
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                                                 CONTROL #: 2006 NE 02 0014 FILLING TYPE: MERGER TRANS TYPE: CORP REORG (AFFIL MERGER) FORM: MERGER RESULTING BANK SHORT NAME: CAPITAL ONE NA
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                                                                                                                 BRANCH: 136786A WITHDRAWN DAIE:
TITLE: WOODBURY
LOC STREET: 7600 JERICHO TURNPIKE
LOC CITY: WOODBURY
COUNTY: 59 NASSAU COUNTY
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TITLE: WOODCLIFF LAKE
LOC STRET: 585 CHESTNUT RIDGE ROAD
LOC CITY: WOODCLIFF LAKE
COUNTY: 3 BERGEN COUNTY
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911 CENTRAL PARK AVENUE
(GREENBURGH) SCARSDALE
119 WESTCHESTER COUNTY
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: LONG BEACH
: 11 EAST PARK AVENUE
: LONG BEACH
: 59 NASSAU COUNTY
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103 SUFFOLK COUNTY
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TITLE: WYCKOFF AVENUE
LOC STREET: 315 WYCKOFF AVENUE
LOC CITY: BROOKLYN
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LOC STREET: 2
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LOC STREET:
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Jankousky v. NFB et al Index No.: 08-CV-1858(PAC)

AFFIDAVIT

EXHIBIT B 12/06 Certificate of Merger

State of Delaware Secretary of State Division of Corporations Delivered 04:14 PM 11/30/2006 FILED 04:13 PM 11/30/2006 SRV 061094936 - 2419959 FILE

CERTIFICATE OF MERGER

Filed 05/27/2008

OF

NORTH FORK BANCORPORATION, INC. (a Delaware corporation)

with and into

CAPITAL ONE FINANCIAL CORPORATION (a Delaware corporation)

November 30, 2006

Pursuant to Section 251 of the General Corporation Law of the State of Delaware (the "DGCL"), Capital One Financial Corporation, a Delaware corporation ("Capital One"), hereby certifies the following information relating to the merger of North Fork Bancorporation, Inc., a Delaware corporation ("North Fork"), with and into Capital One (the "Merger"):

FIRST:

SIXTH:

The name and state of incorporation of each of the constituent corporations (the "Constituent Corporations") in the Merger are:

State of Incorporation Delaware Capital One Financial Corporation Delaware North Fork Bancorporation, Inc.

The Agreement and Plan of Merger, dated as of March 12, 2006, between Capital SECOND: One and North Fork (the "Plan of Merger"), setting forth the terms and conditions of the Merger has been approved, adopted, certified, executed and acknowledged by each of the Constituent Corporations in accordance with the requirements of Section 251 of the DGCL.

The name of the surviving corporation of the Merger (the "Surviving THIRD: Corporation") is Capital One Financial Corporation.

The Restated Certificate of Incorporation of Capital One in effect immediately FOURTH: prior to the effective time of the Merger shall be the certificate of incorporation of the Surviving Corporation.

The executed Plan of Merger is on file at the principal place of business of the FIFTH: Surviving Corporation whose address is 1680 Capital One Drive, McLean Virginia 22102.

> A copy of the Plan of Merger will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of either Constituent Corporation.

SEVENTH: The Merger shall become effective as of 12:01 a.m., Eastern time, on December 1, 2006.

IN WITNESS WHEREOF, Capital One has caused this Certificate of Merger to be executed by its duly authorized officer on the date first written above.

CAPITAL ONE FINANCIAL CORPORATION

By: L

Name: Murray P. Abrams

Title: Executive Vice President, Corporate

Development

Delaware

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"NORTH FORK BANCORPORATION, INC.", A DELAWARE CORPORATION, WITH AND INTO "CAPITAL ONE FINANCIAL CORPORATION" UNDER THE NAME OF "CAPITAL ONE FINANCIAL CORPORATION", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTIETH DAY OF NOVEMBER, A.D. 2006, AT 4:13 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE FIRST DAY OF DECEMBER, A.D. 2006, AT 12:01 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



AUTHENTICATION: 5237474

DATE: 11-30-06

8100M

061094936

EVELYN A. JANKOUSKY	X		
	Plaintiff,		08 Civ. 1858 (PAC)
- against –			AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS
NORTH FORK BANCORPO CAPITAL ONE, FINANCIA ONE, NATIONAL ASSOCI NORTH FORK BANK,	AL CORP., CAPITAL		FRCP 12(b)(6)
	Defendants.	ζ	
STATE OF NEW YORK COUNTY OF SUFFOLK)) ss.:)		
Ruby Costarella, beir years of age and reside in Plai P.C., attorneys for the Defend	nview, New York. I am	nd says: I a employed	am not a party to the action. I am over by Wickham, Bressler, Gordon & Geas

enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of Federal

Karen Cacace, Esq. Maia Goodel, Esq. Vladeck, Waldman, Elias & Engelhard, P.C. Attorneys for Plaintiff 1501 Broadway, Suite 800 New York, NY 10036

Express Delivery within the State of New York to:

Ruby Costarella

Sworn to before me this 27th day of May, 2008

word a **Notary Public**

> MONICA D. CALIFF Notary Public, State of New York No. 01CA6143221 Qualified in Suffolk County 2010 Commission Expires April 03, 2010